
APPENDIX E NEPA/404 COMMUNICATION

- Letter from FHWA/Caltrans to ACOE, EPA, FWS, Letter requesting concurrence on the purpose and need, criteria for selection of alternatives, and description of alternatives to be evaluated in the DEIR/S, April 25, 1994
- Letter from FHWA/Caltrans to ACOE, EPA, FWS, Letter requesting concurrence on the purpose and need, criteria for selection of alternatives, and description of alternatives to be evaluated in the DEIR/S, May 12, 1994
- Letter from FWS to FHWA/Caltrans, FWS needs more information Purpose & need not clearly identified, would like to see another alternative that doesn't affect wetlands, need a complete list of criteria and alternatives that were discarded at previous planning stages, June 17, 1994
- Letter from EPA to FHWA/Caltrans, Concurrence that the range of alternatives meets the requirements for Section 404 and the criteria for the selection of alternatives to be evaluated is adequate, June 28, 1994
- Letter from FHWA/Caltrans to ACOE, EPA, FWS, Preliminary information for a meeting to obtain concurrence, February 18, 1997
- Letter from FHWA/Caltrans to ACOE, EPA, FWS, Requesting concurrence again, March 17, 1997
- Letter from FWS to FHWA/Caltrans, Concurrence on projects purpose and need, range of alternatives and criteria for selection of alternatives, March 21, 1997
- Letter from ACOE to FHWA/Caltrans, Concurrence on purpose & need, range of alternatives, design parameters, April 7, 1997
- Letter from EPA to FHWA/Caltrans, Concurrence on purpose & need, range of alternatives, design parameters, May 6, 1997
- Letter from FHWA/Caltrans to EPA and USACE, Requesting concurrence on LEDPA, September 30, 2002
- Letter from FHWA/Caltrans to EPA and USACE, Requesting concurrence on LEDPA, December 5, 2002
- Letter from FHWA/Caltrans to EPA and USACE, Requesting concurrence on LEDPA, February 4, 2003
- Letter from EPA to Caltrans, Responding to request for concurrence on LEDPA. February 25, 2003
- Letter from FHWA/Caltrans to EPA cc to USACE, Requesting concurrence on final LEDPA, June 4, 2003

- Letter from FHWA/Caltrans to EPA cc to USACE, Describing Options to get to LEDPA, June 16, 2003
- Letter from FHWA/Caltrans to EPA cc to USACE, Requesting concurrence on final LEDPA, July 3, 2003
- Letter from FHWA/Caltrans to EPA and USACE, Requesting concurrence on final MMP, November 23, 2004
- Letter from EPA to FHWA/Caltrans, Preliminary Concurrence on Mitigation and Monitoring Plan, December 17, 2004.
- Letter from ACOE to FHWA/Caltrans, Preliminary Concurrence on Mitigation and Monitoring Plan, December 27, 2004.

DEPARTMENT OF TRANSPORTATION

DISTRICT

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April 25, 1994

03-Pla-65
PM R12.2/R23.8
03-333800
Lincoln BypassMr.
P.O.
Dept. [see address list]
City

Dear Mr. X:

The attached information relative to the proposed Lincoln Bypass project is being sent to you in preparation for the NEPA/404 Integration meeting to be held on May 5, 1994. Your attendance at this meeting is critical to its success; please be prepared to discuss all issues specified under terms of the Integration Memorandum of Understanding.

Should you have any questions, please contact Lucie Adams at (916) 263-3415.

Sincerely,

Original signed by

JEAN L. BAKER, Chief
Environmental Branch B

Enclosure

cc: Joe Caputo, Chief - Project Studies
Wendy Tkacheff, Project Engineer - Project Studies
Jeffrey Loudon, Chief - Environmental A
Lucie Adams, Biologist - Environmental Division

HOB:dr

(Env)

Filename: lbypass

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PURPOSE AND NEED STATEMENT

The purpose of this project is to reduce traffic delay, congestion and improve safety by constructing a bypass to carry regional traffic around the City of Lincoln. The project will require a modification of the route adopted by the California Transportation Commission in 1964. Problems identified which will be addressed by the proposed project include:

- o The existing adopted Route 65 alignment for the bypass has not been protected by the local agencies, nor was right of way acquired by the State. Development on the alignment makes it infeasible to build the adopted Route 65.
- o The existing facility through Lincoln is a "Main Street" highway which will not serve the ultimate regional transportation needs. Conflicts between local and regional traffic has resulted in an increase in congestion.
- o The existing highway does not have the capacity to accommodate the increase in vehicles expected to use the roadway in the future. The Level of Service (LOS) for the existing highway is LOS D, and is projected to deteriorate to LOS F by the year 2005.
- o The accident rate for existing Highway 65 within the project limits is higher than the expected rate for this type of facility.

Project Status

The City of Lincoln requested by resolution (No. 87-23 March 24, 1987), that the California Transportation Commission (CTC) consider a modification of a portion of the current Route 65, adopted in May, 1964. The CTC included the proposed project in the 1988 State Transportation Improvement Program (STIP) Special Studies list of projects. \$250,000 has been programmed for right of way preservation in the 1992 STIP for the 95/96 Fiscal Year.

The current project schedule calls for public circulation of the Draft Environmental Impact Statement by July 1995; CTC approval of the route modification in August 1996; completion of the Final Environmental Impact Statement in October 1996; project approval by February 1997, and approval of Plans, Specifications and Estimates in February 2000. Construction of the project's initial stage would occur upon approval of funding and acquisition of right of way.

System Linkage

Route 65 serves as a major north-south highway along the ^{east} ~~west~~ side of the Sacramento Valley. It was included as part of the State Highway System under authorization of the State Highway Act of 1909, and made part of the California Freeway and Expressway system in 1959. Highway 65 connects the highly urbanized areas of Sacramento and Roseville with cities of Lincoln, Wheatland, Marysville and Yuba City.

The proposed project is discussed in the Route 65 Concept Report prepared by Caltrans in 1986. This report called for the upgrading of Route 65 to expressway status from Interstate 80 (I-80) to the City of Lincoln with bypasses of the Cities of Roseville and Lincoln. The first segment of Route 65, also known as the Roseville Bypass, has been upgraded to a four-lane expressway between I-80 and Blue Oaks Boulevard.

Capacity

Regional trips with origin and destination of Lincoln are expected to increase significantly as the City's economy grows. Design year (2020) traffic north of Lincoln is projected to increase from the current 10,000 vehicles per day to approximately 22,000 vehicle per day. South of Lincoln, traffic volumes are expected to increase from the current 15,000 vehicles per day to approximately 70,000 vehicles per day.

The Level of Service on existing Route 65 within the project limits is projected to deteriorate from the current Level of Service D to Level of Service F by the year 2005.

The existing roadway's traffic carrying capacity is limited by the presence of numerous driveways and intersections. The current traffic congestion is expected to increase as the area develops. The "Main Street" nature of the existing facility is not conducive for expansion to account for the anticipated increase traffic volumes.

Transportation Demand

The District 3 System Management Plan (SMP) dated August 1992, indicates that the concept facility for Route 65 is a four-lane expressway with a bypass of Lincoln. Traffic volumes anticipated in the SMP are consistent with traffic projections for the proposed facility.

Social/Economic Demands

The General Plans for Placer County and the City of Lincoln indicate that the economy will experience continued growth and a need to increase capacity on Route 65. The transportation and circulation elements of these plans call for the planning and construction of a Route 65 bypass west of the City of Lincoln. Traffic studies were prepared based on the proposed developments discussed in the General Plans.

Modal Interrelationships

The Lincoln Airport is located northwest of the City of Lincoln. Improved access would be made possible by realignment of Route 65 to the west and direct connections to either Nicolaus Road and/or Nelson Road.

Transit service is provided in the area by Lincoln Transit and Placer County Transit. The City of Lincoln currently operates a transit service on weekdays throughout central Lincoln. No expansion plans are being considered at this time. Placer County Transit provides bus service to Rocklin and Loomis. Service to Roseville is also provided to allow for connections to the Roseville Commuter shuttle and Sacramento Regional Transit. Greyhound Bus Line provides scheduled stops between Lincoln and Sacramento twice daily.

No passenger rail service is currently available from Lincoln; the Placer County Transportation Commission plans to conduct a rail feasibility study for the extension of Light Rail from Roseville to Lincoln. The Study is expected to begin in the Spring of 1994.

Park and Ride facilities are being planned as part of the proposed project. These facilities can serve as an interface between the existing transit services and promote ride sharing.

Safety

The accident rates on existing Highway 65 were determined based on the Traffic Accident Survey Analysis System (TASAS) listing accidents for the given post miles within the proposed project's limits. Based upon this information, the accident rate for the entire length of the proposed project is slightly higher than expected for a conventional two-lane highway.

One segment of existing Highway 65 within the project limits is significantly higher than expected. The actual accident rate at the downtown Lincoln intersections (First Street through 7th Street) is approximately 5.9 times the expected rate.

The accident rate in Sheridan was approximately four times the expected rate during the three year period from 1985 - 1988. Current data for the three period from 1991 to 1994 indicates that the total accident rate has dropped to approximately 1.1 times the expected rate. This is largely due to a safety project at Sheridan completed in May of 1988, which flattened the curves at the existing at-grade railroad crossing and added left-turn channelization.

The proposed project will relieve congestion and thus, reduce accident potential in downtown Lincoln by providing an initial four-lane to two-lane expressway to carry regional traffic around the city to the west. Current expected accident rates for total accidents are 1.8 per million vehicle miles. A four-lane expressway would have an expected total accident rate of 1.07 per million vehicle miles. The longer alternatives would continue the bypass to north of Sheridan superseding the existing at-grade railroad crossing also reducing accident potential at this location.

Roadway Deficiencies

Existing Route 65 in downtown Lincoln is operating at Level of Service (LOS) D during peak hours. With projected growth, the LOS will deteriorate to F by the year 2005. Route 65 between Lincoln and Sheridan is currently operating at LOS C/D during peak hours. The LOS is expected to drop to LOS E by the year 2005 and LOS F 2010 with project growth. To maintain a LOS of D on existing Route 65, widening to four-lanes would be required through Lincoln by the year 2000. To maintain a LOS of D on existing Route 65 between Lincoln and Sheridan widening to four-lanes would be required by the year 2005. Upgrading existing Route 65 to four-lane freeway through these areas is not practical due to the presence of numerous road and driveway connections and the limited available width through downtown Lincoln.

The shorter bypass alternatives would address roadway deficiencies through downtown Lincoln by providing a four-lane freeway bypass from just south of Industrial Boulevard to just south of Wise Road. However, the shorter alternatives would not address the roadway deficiencies between Lincoln and Sheridan where the LOS is expected to deteriorate to the point where a four-lane facility is needed in this area by the year 2005.

The longer bypass alternatives would address the roadway deficiencies through downtown Lincoln and between Lincoln and Sheridan. These alternatives would provide a four-lane to two-lane expressway upgradable to four-lane freeway bypass from just south of Industrial Boulevard to Bear River Bridge.

PROPOSED ACTION AND PROJECT ALTERNATIVES

A. Proposed Action

The project proposal calls for the construction of a State Route 65 bypass of the downtown area of the City of Lincoln on new right of way in Placer County, California (See Exhibit 1). The ultimate facility being planned is a four-lane freeway with interchanges at selected locations. Initial construction would involve an access controlled expressway having segments of two or four lane roadways based upon projected traffic demands. The ultimate freeway and four lane expressway would have a 21.3 m (70 ft) median and a minimum right of way width of 70.1 m (230 ft). Typical cross sections for the four-lane and two-lane roadways are shown on Exhibit 2.

B. Description of Alternatives

Eleven alternative alignments and the "No Build" alternative were considered. Six alignments are still being considered as shown on Exhibit 3 and are discussed under "Alternatives Under Consideration". Five of these alignments, shown on Exhibit 4 were rejected by a Project Development Team consisting of representatives of the Federal Highway Administration, City of Lincoln, Placer County and California Department of Transportation and are discussed below under "Alternatives Withdrawn from Consideration". A discussion of the "No Build" Alternative has been provided.

1. Alternatives Under Consideration

Alternative AA Alignment

The AA alignment commences .48 km (0.3 mi) south of the intersection of existing Route 65 and Industrial Boulevard at Post Mile T12.5 (see Exhibit 4). The alignment veers from the existing highway turning northwest, crosses over Industrial Boulevard and the Southern Pacific Transportation Company (SPTC) railroad tracks. The alignment turns north where it intersects Moore Road approximately 609.6 m (2000 ft) west of the Moore Road/Joiner Parkway intersection. The alignment continues in a northerly direction crosses Nicolaus Road approximately 609.6 m (2000 ft) west of the Nicolaus Road/Joiner Parkway intersection; it then passes over the SPTC tracks and existing Route 65 turning in a northwesterly direction rejoining the existing highway 0.40 km (0.3 mi) south of Wise Road at Post Mile 17.0. This alternative has a total length of approximately 8.05 km (5.0 miles).

Stage construction of the facility would include a four-lane divided expressway from its southern terminus to just north of Nicolaus Road. The facility would then be reduced to a two-lane roadway where it would transition back to the existing conventional two lane highway at its northern terminus.

Three highway structures will be required to separate the proposed alignment from existing facilities. Construction of overhead structures will be required to cross Industrial Boulevard and the SPTC tracks south of Lincoln and the SPTC tracks and the existing highway north of Lincoln. A partial interchange is planned at Industrial Boulevard providing a southbound off-ramp and a southbound on-ramp only. A partial cloverleaf interchange also is proposed at the alignment's intersection with Nicolaus Road.

Additional structures will be required at all stream crossings. The AA alignment will cross Ingram Slough, Auburn Ravine, and several branches of Markham Ravine. The type of structures and their spans have yet to be determined. Channelization work would be necessary at most stream crossings.

A Park-n-Ride lot is planned in conjunction with the AA alignment south of the proposed Industrial Boulevard/Southern Pacific Transportation Company's Overhead. The proposed lot will be built in the intervening area between the existing highway and Industrial Boulevard.

Selection of this alternative alignment was based upon several factors. This alignment was laid out to provide the best possible geometrics at Nicolaus Road to provide good capacity, weaving and sight distance and storage between intersections on Nicolaus Road. This alignment was very similar in the type of facility and location to that of the adopted route. It was of short length and did not conflict with planned development at the time of selection. In addition, the alignment generally avoids lands whose acquisition costs would be high given that development will have occurred prior to approval of this project.

Alternative A5 Alignment

The A5 alignment commences .48 km (0.3 mi) south of the intersection of existing Route 65 and Industrial Boulevard at Post Mile 12.5 (see Exhibit 3). The alignment diverges from the existing highway turning northwest, crossing Industrial Boulevard and Southern Pacific Transportation Company's tracks. The alignment turns north where it intersects with Moore Road, approximately 548.6 m (1800 ft) west of the Moore Road/Joiner Parkway intersection. The alignment continues in a northerly direction crossing Nicolaus Road approximately 731.5 m (2400 ft) west of the Nicolaus Road/Joiner Parkway intersection, passes over the SPTC tracks and existing highway turning northwest, rejoining the existing highway 0.48 km (0.3

mile) south of Wise Road at Post Mile 17.0. This alternative has a total length of approximately five miles 8.05 km (5.0 miles).

Stage construction of the facility would include a four-lane divided expressway from its southern terminus to just north of Nicolaus Road. The facility would then be reduced to a two-lane roadway where it would transition back to the existing conventional two-lane highway at its northern terminus.

Three highway structures will be required to separate the proposed alignment from existing facilities. Construction of overhead structures will be required at Industrial Boulevard and the Southern Pacific Transportation Company's tracks on the south. A partial interchange is planned at Industrial Boulevard providing a southbound off-ramp and a southbound on-ramp only. A partial cloverleaf interchange will also be constructed at the alignment intersection with Nicolaus Road. A second overhead structure will be necessary to cross the SPTC tracks and existing highway north of Lincoln.

Additional structures will be required at all stream crossings. The A5 alignment will cross Ingram Slough, Auburn Ravine, and several branches of Markham Ravine. The type of structures and their spans have yet to be determined. Channelization work would be necessary at most stream crossings.

A Park-n-Ride lot is planned in conjunction with the A5 alignment south of the proposed Industrial Boulevard/Southern Pacific Transportation Company Track overhead. The proposed lot will be built in the intervening area between the existing highway and Industrial Boulevard.

This alignment was created to avoid Lincoln Airport/park area and Markham Ravine Estates in the event they would develop before route adoption.

Alternative A5C1 Alignment

The A5C1 alignment begins .48 km (.3 mi.) south of the intersection of existing Route 65 and Industrial Boulevard at Post Mile 12.5 (see Exhibit 3). This alignment diverges from the existing highway approximately 518.2 m (1700 ft) south of Industrial Boulevard turning northwest crossing Industrial Boulevard and the Southern Pacific Transportation Company's tracks. The alignment turns north where it intersects Moore Road, approximately 548.6 m (1800 ft) west of the Moore Road/Joiner Parkway intersection. The alignment continues in a northerly direction crossing Nicolaus Road, approximately 731.5 m (2400 ft) west of the Nicolaus Road/Joiner Parkway intersection; it parallels Lakeside Drive and then swings in a northwesterly direction. The alignment intersects Wise Road, crosses Coon Creek and then turns in a northerly direction bisecting Dowd Road 1,219.2 m (4000 ft) south of its intersection with Dalby Road. The alignment proceeds until it

rejoins the existing highway at a point just south of the Bear River. The total length of this alignment is 18.19 km (11.3 miles).

Staged construction of the facility is planned in which a four-lane divided expressway constructed from its beginning south of Lincoln to just north of Nicolaus Road. The facility would then be reduced to a two-lane expressway for its remaining length until rejoining the existing highway north of Sheridan.

Local road connections in the initial phase would include partial interchanges at Industrial Boulevard and Nicolaus Road and at grade connections with Wise Road and Riosa Road. For the ultimate freeway interchanges would be constructed at Nicolaus Road, Wise Road, and Riosa Road.

Construction of an overhead structure crossing would be required for the Industrial Boulevard and Southern Pacific Transportation Company's tracks south of Lincoln.

Bridges would be constructed at all stream crossings along the alignment. This alignment crosses the following streams: Ingram Slough, Auburn Ravine, Markham Ravine, Coon Creek, several branches of Yankee Slough. The alignment also crosses the Camp Far West Aqueduct near Sheridan.

Park-n-Ride lots are planned in conjunction with this alignment at the following locations: Lot 1 is to be located south of the proposed Industrial Boulevard/SPTC tracks overhead in the area between the existing highway and Industrial Boulevard. Lot 2 would be sited in the vicinity of the proposed Riosa Road interchange.

The A5C1 alignment was developed in recognition of the difficulty and expense required to upgrade existing Route 65 to freeway north of Lincoln and the additional expense and maintenance problems associated with a second railroad crossing.

Alternative AAC2 Alignment

The AAC2 alignment commences .48 km (0.3 mi.) south of the intersection of existing Route 65 and Industrial Boulevard at Post Mile 12.5 (see Exhibit 3). The alignment swings northwest crossing over Industrial Boulevard and the Southern Pacific Transportation Company's tracks. The alignment turns north where it intersects Moore Road, approximately 609.6 m (2000 ft) west of the Moore Road/Joiner Parkway intersection. The alignment continues in a northerly direction crosses Nicolaus Road, approximately 609.6 m (2000 ft) west of the Nicolaus Road/Joiner Parkway intersection. As the alignment approaches the Southern Pacific Transportation Company's tracks at a distance of approximately 0.48 km (0.3 mi) it turns to the northwest intersecting Wise Road. After the alignment crosses over Coon

Creek, it turns back to the north, intersects Dowd Road 304.8 m (1000 ft) south of Dalby Road, and continues until it rejoins existing Highway 65 approximately 2.90 km (1.8 miles) north of Sheridan at Post Mile 23.4.

Staged construction of the facility would include a four-lane divided expressway from its southern terminus to just north of Nicolaus Road. The facility would then be reduced to a two-lane expressway for its remaining length until rejoining the existing highway north of Sheridan.

Connections with local roads for the ultimate freeway would be provided by the construction of interchanges at Nicolaus Road, Wise Road, and Riosa Road. Under staged construction plans, an interchange would be constructed at Nicolaus Road and with at grade intersections at Wise Road and Riosa Road.

Construction of an overhead structure crossing would be required for Industrial Boulevard and SPTC tracks south of Lincoln. A partial interchange is also planned at Industrial Boulevard providing a southbound off-ramp and a southbound on-ramp only.

Bridges would be constructed at all stream crossing along the alignment. This alignment crosses the following streams: Ingram Slough, Auburn Ravine, Markham Ravine, Coon Creek, and several branches of Yankee Slough. the alignment also crosses the Camp Far West Aqueduct near Sheridan.

Park-n-Ride lots are planned in conjunction with this alignment at the following locations: Lot 1 is located south of the proposed Industrial Boulevard/Southern Pacific Transportation Company's track overhead in the area between the existing highway and Industrial boulevard. Lot 2 is located in the vicinity of the proposed Riosa Road Interchange.

The AAC2 alignment was developed in an attempt to avoid areas of extensive vernal pools at the juncture of the A and C alignments.

Alternative D1 Alignment

The D1 alignment starts .48 km (0.3 mi) south of the intersection of existing Route 65 and Industrial Boulevard at Post Mile 12.5 (see Exhibit 3). This alignment leaves the existing highway and proceeds in a northwesterly direction crossing over Industrial Boulevard and the Southern Pacific Transportation Company's tracks. It intersects Moore Road and Nelson Lane before turning northward crossing Nicolaus Road passing the Lincoln Airport to the west. The alignment continues due north a distance of 5.64 km (3.5 miles) before swinging northwest crossing Dowd Road approximately 91.4 m (300 ft) north of its intersection with Dalby Road. The alignment proceeds in a northwest direction crosses Riosa Road and

rejoins the existing highway approximately 0.16 km (0.1 mile) from the Bear River at Post Mile 23.8. The total length of this alignment is 19.0 km (11.8 miles).

The proposed ultimate facility for this alignment is a controlled access four-lane freeway. Interchanges would be constructed at Nelson Lane, Wise Road and Riosa Road. Under staged construction, however, a four-lane divided expressway would be constructed to Nicolaus Road and two-lane expressway north of Nicolaus Road.

Local road connections will be provided in the initial stage by construction of an interchange at Nelson Lane and at grade connections at Wise Road and Riosa Road.

Additional structures required including the construction of an overhead would be necessary at Industrial Boulevard and the SPTC tracks and a partial interchange at Industrial Boulevard providing a southbound off-ramp and a southbound on-ramp only. Underpasses would also be needed at Nicolaus Road and Dowd Road. Dalby Road would be realigned to allow construction of the Dowd Road underpass.

Bridges would be constructed at all stream crossings along the alignment. The type and length of these structures have yet to be determined. This alignment crosses the following streams: Ingram Slough, Auburn Ravine, Markham Ravine, Coon Creek, several branches of Yankee Slough. This alignment also crosses the Camp Far West Aqueduct.

Park-n-Ride lots are planned in conjunction with this alignment at Industrial Boulevard and Riosa Road.

The D1 alignment was developed in response to the Corps of Engineers recommendation that alignments be developed that completely avoided wetlands impacts or if this was not possible, to develop alternatives which had the fewest possible wetland impacts.

Alternative D13 Alignment

The D13 alignment commences 0.3 mi. (.48 km) south of the intersection of existing Route 65 and Industrial Boulevard at Post Mile 12.5 (see Exhibit 3). This alignment deviates from the existing highway just south of its intersection with Industrial Boulevard. It then crosses over Industrial Boulevard and the Southern Pacific Transportation Company's tracks and proceeding in a westerly direction. The alignment intersects Moore Road and Nelson Lane before turning to the north crossing Nicolaus Road and passing the Lincoln Airport to the west. The alignment continues in a northerly direction a distance of 5.64 km (3.5 miles) then swings northwest and crosses Dowd Road approximately 91.4 m (300 ft) north of intersection

with Dalby Road. It continues in a northwest direction, intersects Riosa Road, and rejoins the existing highway 0.1 mile from the Bear River at Post Mile 23.8. The total length of this alignment is 20.60 km (12.8 miles).

The proposed ultimate facility to be constructed on this alignment is a controlled access four-lane freeway. Interchanges would be constructed at Nelson Lane, Wise Road and Riosa Road. An overhead would be built over Industrial/SPTC railroad tracks and underpasses constructed at Nicolaus Road and Dowd Road. A partial interchange is also planned at Industrial Boulevard providing a southbound off-ramp and a southbound on-ramp only.

Under staged construction, however, a four-lane divided expressway would be constructed from the project's southern terminus to Nicolaus Road and a two-lane expressway north of Nicolaus Road. Local road connections in the initial stage would be provided by construction of an interchange at Nelson Lane and at grade intersections at Wise Road and Riosa Road.

Bridges would be constructed at all stream crossings along the alignment. The type and length of span(s) of these structures have yet to be determined. This alignment crosses the following streams: Ingram Slough, Auburn Ravine, Markham Ravine, Coon Creek, and several branches of Yankee Slough. This alignment also crosses the Camp Far West Aqueduct.

The D13 alignment was developed in response to public reaction to the D1 alignment impacts to residences on Rockwell Lane and in an effort to further reduce wetland impacts at the south end of the bypass. Based on information available to date, the D13 alignment is the preferred alternative for the bypass since it has the least overall impact to sensitive biological resources, areas of proposed land development and existing residences. It is also the most cost effective for the bypass in terms of dollar cost per mile of new roadway.

2. Estimated Cost of Bypass Alternatives

C. Estimated cost of Bypass Alternatives

Alternative AA

<u>Estimated Item</u>	<u>Four/Two-lane Cost</u>	<u>Four-lane Cost</u>
Roadway Items	\$28,605,000.00	\$30,988,000.00
Structure Items	\$ 6,773,000.00	\$ 6,773,000.00
Subtotal Construction	\$35,378,000.00	\$37,761,000.00
Right of Way	\$10,900,000.00	\$10,900,000.00
Total Project Cost	\$46,278,000.00	\$48,661,000.00

Alternative A5

<u>Estimated Item</u>	<u>Four/Two-lane Cost</u>	<u>Four-lane Cost</u>
Roadway Items	\$28,239,000.00	\$31,416,000.00
Structure Items	\$ 6,773,000.00	\$ 6,773,000.00
Subtotal Construction	\$35,012,000.00	\$38,189,000.00
Right of Way	\$11,108,000.00	\$11,108,000.00
Total Project Cost	\$46,120,000.00	\$49,297,000.00

Alternative A5/C1

<u>Estimated Items</u>	<u>Four/Two-lane Cost</u>	<u>Four-lane Cost</u>
Roadway Items	\$42,370,000.00	\$54,236,000.00
Structure Items	\$ 7,865,000.00	\$ 7,865,000.00
Subtotal Construction	\$50,235,000.00	\$62,101,000.00
Right of Way	\$11,247,000.00	\$11,247,000.00
Total Project Cost	\$61,482,000.00	\$73,348,000.00

Alternative AA/C2

<u>Estimated Items</u>	<u>Four/Two-lane Cost</u>	<u>Four-lane Cost</u>
Roadway Items	\$46,185,000.00	\$54,236,000.00
Structure Items	\$ 7,865,000.00	\$ 7,865,000.00
Subtotal Construction	\$54,050,000.00	\$62,101,000.00
Right of Way	\$12,807,000.00	\$12,757,000.00
Total Project Cost	\$66,857,000.00	\$74,858,000.00

Alternative D1

<u>Estimated Items</u>	<u>Four/Two-lane Const</u>	<u>Four-lane Cost</u>
Roadway Items	\$43,270,000.00	\$49,378,000.00
Structure Items	\$ 7,865,000.00	\$ 7,865,000.00
Subtotal Construction	\$51,072,000.00	\$57,243,000.00
Right of Way	\$10,000,000.00	\$10,000,000.00
Total Project Cost	\$61,072,000.00	\$67,243,000.00

Alternative D13

<u>Estimated Items</u>	<u>Four/Two-lane Cost</u>	<u>Four-lane Cost</u>
Roadway Items	\$37,247,000.00	\$53,290,000.00
Structure Items	\$ 7,865,000.00	\$ 7,865,000.00
Subtotal Construction	\$45,112,000.00	\$61,155,000.00
Right of Way	\$ 9,567,000.00	\$ 9,567,000.00
Total Project Cost	\$54,679,000.00	\$70,722,000.00

3. No Build Alternative

The "no build" alternative would have a negative impact on Lincoln's economic future and on interregional traffic circulation. Traffic conditions would deteriorate to the point where Lincoln's economic position would be jeopardized due to uncertain movement of goods and services on Highway 65. Goods and services moving along the Highway 65 corridor between the Roseville/Interstate 80 area, the Marysville/Highway 20 area and Chico would also be impeded. Emergency and public services would be hampered as well.

As traffic increases, noise and air pollution levels would also rise in the vicinity of Lincoln. Therefore, the "no-build" does not address the basic problems of this project. Congestion will increase as the area and region develops. The accident rate can be expected to rise as congestion increases. Regional trips will be increasingly delayed as the level of service falls.

4. Alternatives Withdrawn From Consideration

Alternative alignments A3, A4, D2, E, and T (See Exhibit 4) were considered and deemed not feasible for further consideration for the following reasons:

Alternative A3 and A4 Alignments

The A3 and A4 alignments coincide with the A5 alignment at the south end of the bypass. At Auburn Ravine they turn northwest, running parallel to the section line. North of Nicolaus Road, the A3 and A4 continue on the west side of the section line. These alignments cross over the railroad tracks and the existing highway, then turn in a northwesterly direction and conform to existing Route 65. These alternatives were developed based on the assumption that the area west of the section line was less sensitive biologically than east of the section line. Current studies indicate that the remaining A alignments have approximately the same impact upon biological resources. In addition, recent approval of subdivision plans in this area makes the cost of acquiring the right of way unreasonably high compared to other A alignments east of the section line.

Alternative D2 Alignment

The D2 alignment was developed in an attempt to reduce the impacts on wetlands and residents in the southern portion of the project. This alignment begins about 1.3 miles south of the D1 line. The D2 is roughly parallel to the D1 line upon leaving the existing highway to near Nicolaus Road. North of Nicolaus Road the D2 line coincides with the D1 alignment. The D2 alignment would require the removal of four to seven residential dwellings and possible soundwalls for approximately five dwellings. The D2 line has a greater impact on dwellings and vernal pools than the D1 line, based on a preliminary biological survey. Due to the alignment's longer length, remoteness from Lincoln and greater potential impacts upon wetlands than the D1 alignment it was dropped from further consideration.

Alternative E Alignment

The alternative E alignment begins south of Industrial Boulevard and turns in a northeasterly direction around the east side of Lincoln and proceeds through vacant land until it crosses State Route 193. After crossing Route 193, the alignment proceeds northerly and crosses Auburn Ravine. North of Auburn Ravine, the alignment crosses Virginiatown Road, McCourtney Road and Gladding Road before rejoining existing Route 65 just south of its intersection with Wise Road.

This alignment was developed as an alternative to the A alignments. The E alignment distance is approximately 2.6 miles out of direction as compared to the existing facility or the A line. The traffic analysis performed for the

Stage II Project Work Program indicated that a major portion of through traffic on Route 65 would exit the expressway and proceed through Lincoln to save time and distance of travel. This alignment, therefore, does not satisfy the requirements of this project and based on recent annexations to the City of Lincoln, extends through an area with approved residential and commercial development.

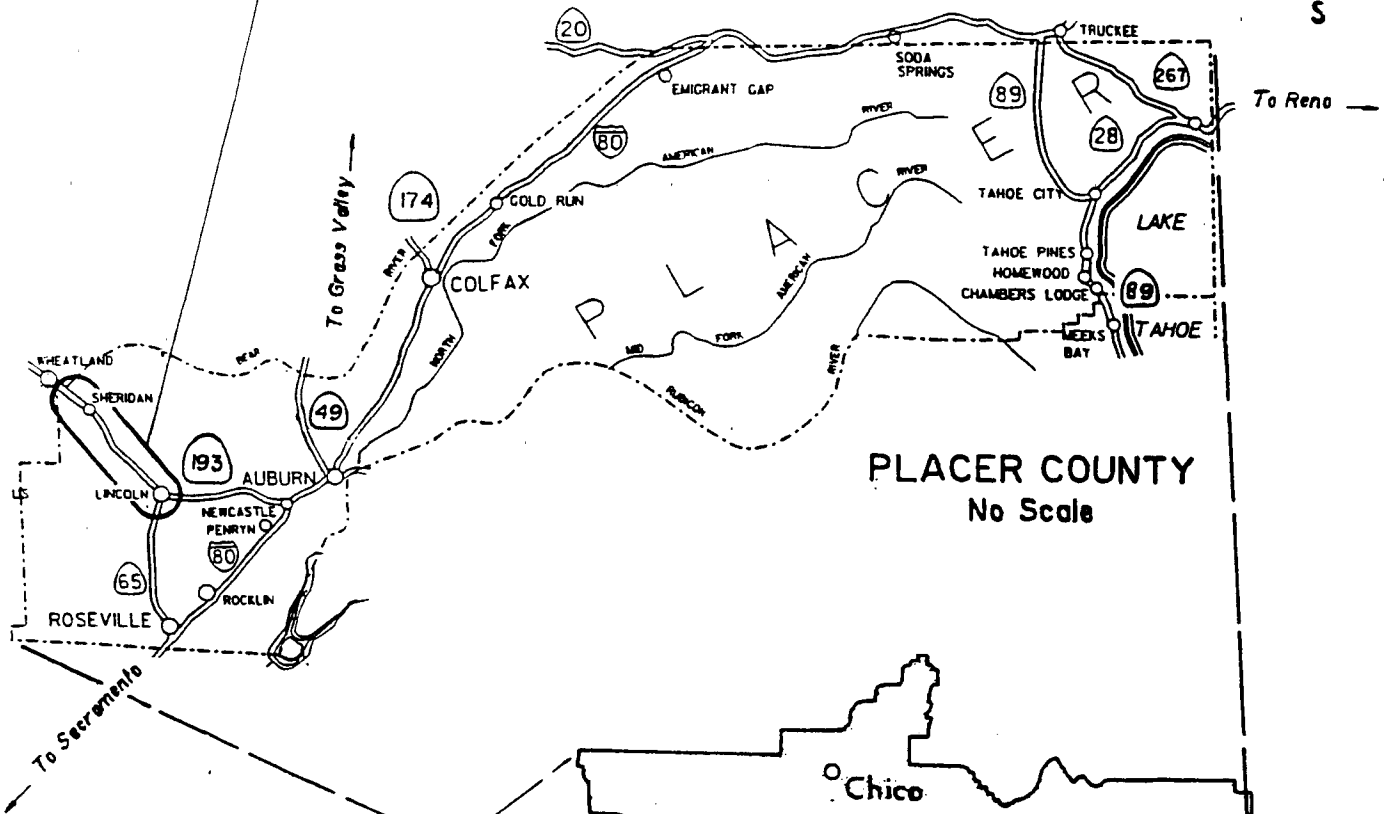
Alternative T Alternative

Alternative T upgrades the existing highway to four lanes. From Industrial Boulevard to Auburn Ravine and from Gladding Road to near Wise Road, a four-lane expressway with 14.0 m (46 ft) median would be constructed. From Auburn Ravine to Gladding Road, the facility would narrow to four lanes plus a continuous left-turn lane. The proposed upgrades through downtown Lincoln can be accomplished by eliminating on-street parking and narrowing the sidewalks from 3.7 m (12 ft) to 2.4 m (8 ft).

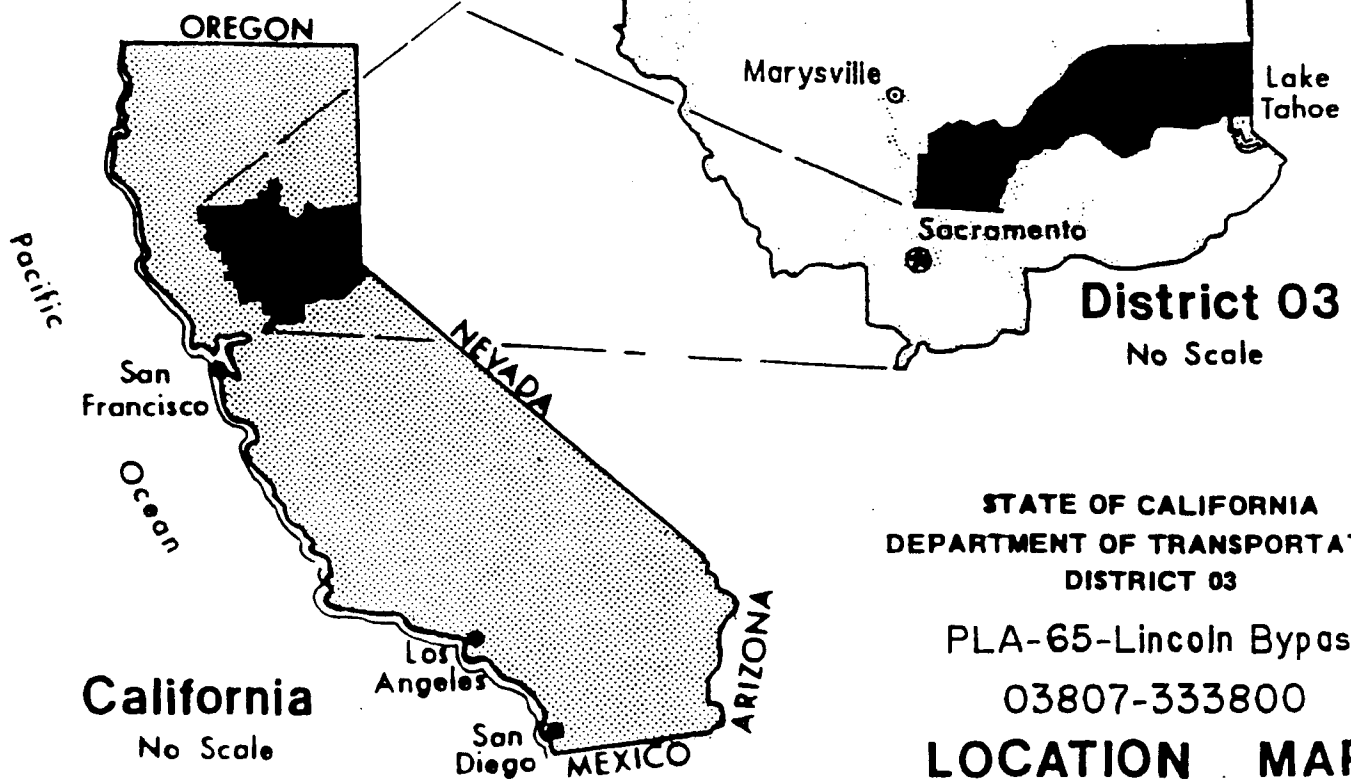
The primary disadvantage of this alternative is that it fails to satisfy the regional need for an adequate freeway system in the area. It does not alleviate the problem of numerous cross streets and driveways. As Lincoln grows, traffic through the Central Business District will become more congested and delays and accident rates will likely increase. In addition, widening to four lanes through the downtown area does not leave the option for future widening. The 10 year (2010) and 20 year (2020) levels of service are projected to be E and F respectively. After the 20-year design period the only viable option to enhance the level of service and capacity would be to construct a bypass.

PROJECT LOCATION

EXHIBIT 1



PLACER COUNTY
No Scale



California
No Scale

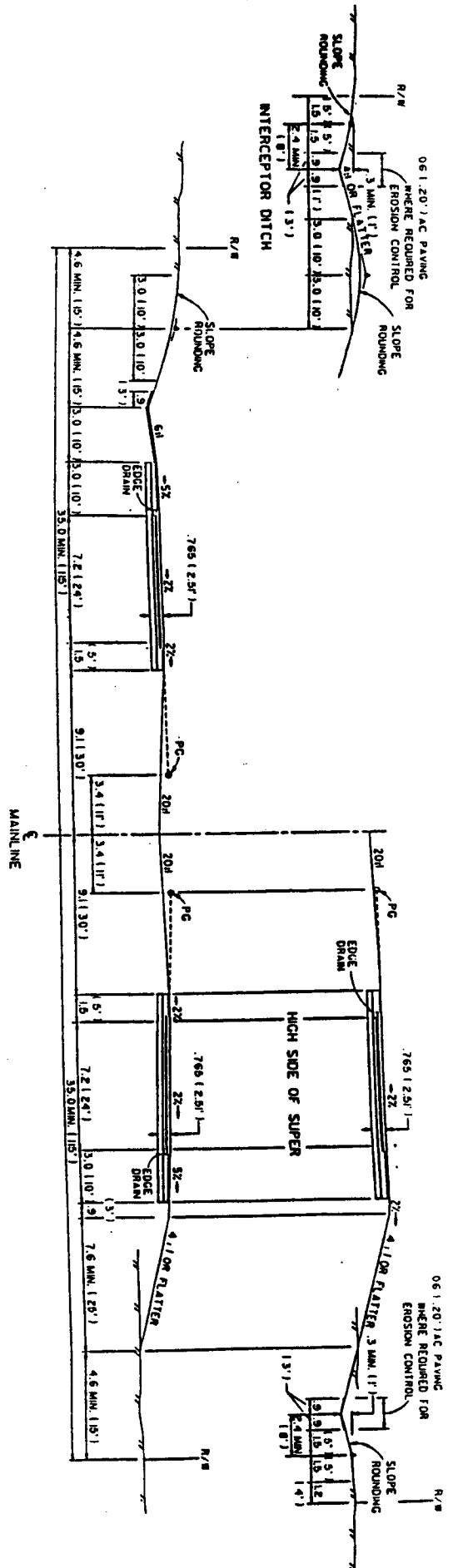
District 03
No Scale

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
DISTRICT 03

PLA-65-Lincoln Bypass
03807-333800

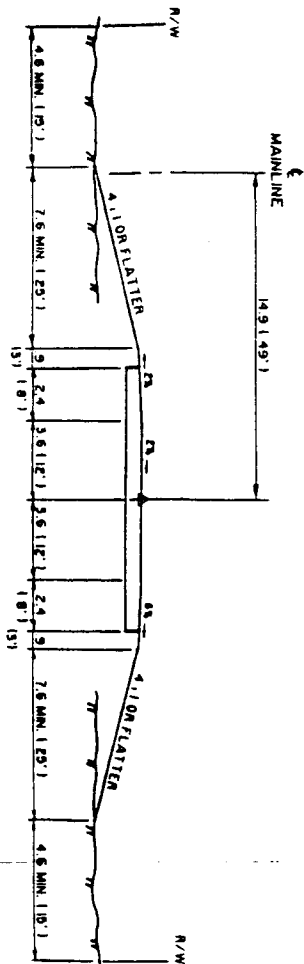
LOCATION MAP

October 1993



4 - LANE SECTION

NOTE:
All dimensions are in Meters unless shown otherwise.



2 - LANE SECTION

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL BRANCH
DISTRICT 3
PLA-65-Lincoln Bypass
TYPICAL CROSS SECTIONS

03807-333800

SCALE 1:400 (1"=30')

DATE January 1994

03-PLA-65
Lincoln Bypass
P.M. R12.2/R23.8
E.A. 333800

SUMMARY OF POTENTIAL ENVIRONMENTAL IMPACTS

Environmental technical studies for the project are currently underway; however, only the results of the biological and cultural resources investigations are available at this time.

An estimate of the sensitive biological resources within each alignment for the project is provided in Attachment A.

Preliminary evaluations of potential impacts wetlands, historic architectural and archaeological resources have been preformed and are discussed below:

1. Wetlands

The initial delineation identifying the wetlands within the project study area was verified by the Army Corps of Engineers in September of 1991. Recertification of the delineations performed by Beak Consultants will be submitted in September of 1994.

A preliminary wetlands impact assessment has been performed. The impacts were assessed in two ways, the first calculates the number of occurrences of each wetland type that is within the proposed right of way for each alternative alignment. The second procedure for calculating the impacts is by estimating the acreage of wetland that will be filled per alignment (See Attachment B). The acres of fill estimates only the areas where fill will be directly placed and does not account for indirect impacts (See Attachment C).

The A5C1 and AAC2 alignments have the greatest occurrences of vernal pools and swales within their proposed right of way. Likewise these alignments will have the greatest amount of fill placed in pools and swales. Although the D1 and D13 alignments are much longer than either the AA or A5 alignments the D alignments will impact fewer vernal pools and swales. The estimate of vernal pools and wales for the D alignments is between 155-163, while the AA is 175 and the A5 is 217.

The D13 and D1 alignments have the greatest estimate of fill in freshwater marsh primarily because of impacts to Markham Ravine.

The A5C1 has the greatest estimated total acre of fill to be placed in wetlands with 20.8 acres. Approximately half (10.3) of the fill will be in vernal pools and swales.

The D1 alignment has the second highest acreage of fill in wetlands with 20.3 and the D13 has the third highest fill with 18.3 acres of impact. Unlike A5C1, the majority of fill will be in freshwater marsh, the D1 estimated at 10.6 acres of fill and the D13 with 12.4. Impacts to vernal pools and swales are estimated to be 4.4 acres for the D1 and 3.4 acres of fill for the D13 alignment.

2. Cultural Resources

An historic architectural survey was performed and several properties were identified which appeared eligible for inclusion on the National Register of Historic Places. None of these properties are located within alignments under consideration.

An archaeological surveys was performed and 15 sites were recorded. Of these properties only two are believed to be eligible for inclusion on the National Register of Historic Places. These properties are located on the AAC2 alignment and would be impacted.

Post-It™ brand fax transmittal memo 7671 # of pages 1

To Henry Bass	From Lurie Adams
Co. 03-Environ Br	Co. Envir. Division
Dept.	Phone # 8-435-3415
Fax # 8-457-4457	Fax #

ATTACHMENT A

RESOURCES WITHIN EACH ALIGNMENT FOR THE LINCOLN BYPASS

FAIRY SERIES (#VPS)	TREES VALLEY OAK-Q1 BLUE OAK-Qd	VERNAL MARSHES (M)	CREEKS (X)	FRESHWATER MARSHES ACRES	OPEN WATER	ESTIMATED WETLAND TOTALS
15 POOLS (P)	112 Q1=11 Qd=90	9 MARSHES (M) 2.0 ACRES	5 XINGS (X)	5 MARSHES 2.0 ACRES	0	9ACRES
13P	190 Q1=57 Qd=120	11M 2.0 ACRES	5X	3M 1.5 ACRES	0	9ACRES
17P	224 Q1=118 Qd=90	12M 2.5 ACRES	8X	13M 4.5 ACRES	0	21ACRES
16P	211 Q1=75 Qd=120	9M 3.0 ACRES	8X	7M 2.5 ACRES	0	15ACRES
28P	169 Q1=133 Qd=2	9M 3.0 ACRES	7X	13M 11 ACRES	1	20.5 ACRES
19P	216 Q1=199 Qd=2	6M 2.0 ACRES	5X	11M 12.5 ACRES	1	18.5 ACRES

1 1993)

ESTIMATED NUMBER OF VERNAL POOLS/SWALES, RIPARIAN AND MARSHES IN
THE PROPOSED ALIGNMENTS

ALIGNMENT	VERNAL POOLS AND SWALES	VERNAL MARSHES	FRESH WATER MARSHES	RIPARIAN X-INGS
AA	175	11	3	5
A5	217	9	5	6
AAC2	257	9	7	8
A5C1	246	12	13	8
D1	163	9	13	7
D13	155	6	11	5

ESTIMATED ACRES OF FILL IN WETLANDS IN PROJECT ALIGNMENTS

ALIGNMENT	VERNAL POOL	VERNAL SWALE	VERNAL MARSH	FRESHWATER MARSH	RIPARIAN	WILLOW SCRUB	TOTAL
AA	3.98	1.38	1.87	1.41	0	0	8.64
A5	3.46	0.87	1.71	1.91	1.13	0	9.08
AAC2	7.66	2.07	2.89	2.44	0	0	15.06
A5C1	10.26	2.41	2.24	4.43	1.48	0	20.82
D1	4.37	0.92	2.86	10.61	1.48	0.08	20.32
D13	3.39	0.83	1.72	12.35	0	0	18.29

DEPARTMENT OF TRANSPORTATION

DISTRICT 3

P.O. BOX 911

MARYSVILLE, CA 95901
TDD (916) 741-4509
FAX (916) 741-4457
(916) 741-4498



May 12, 1994

03-Pla-65
PM R12.2/R23.8
333800
Lincoln Bypass

(SEE ATTACHED LIST)

Dear Mr/Ms.:

Pursuant to the terms of the NEPA/404 Integration MOU, an interagency coordination meeting was held on May 5, 1994, at the Army Corps of Engineers Sacramento District Office to discuss the proposed State Route 65 Bypass of the City of Lincoln in Placer County. The project is sponsored by Caltrans and the Federal Highway Administration. In addition to the project sponsors, meeting participants were the Corps of Engineers, Environmental Protection Agency, U.S. Fish & Wildlife Service and the California Department of Fish & Game (not an MOU signatory).

Participants reviewed and discussed the project purpose and need, alternatives and a comparison of sensitive biological/404 and other environmental resources for each alternative under consideration. There is no official preferred alternative, but the City of Lincoln is protecting the D13 alignment, the most westerly, from further development. The Corps has verified the wetland delineations.

The current project schedule calls for public circulation of the Draft Environmental Impact Statement by July 1995. Per Appendix A of the MOU, Caltrans and the Federal Highway Administration seek your agency's written concurrence or any comments you may have on the NEPA purpose and need, criteria for alternative selection/rejection and alternatives to be evaluated in the draft EIS, based on the discussions at the above meeting. We also request your written agreement to participate as a cooperating agency. If you have any questions, please do not hesitate to contact me.

Sincerely,

JEAN L. BAKER, Chief
Environmental Branch B

cc/bcc: See Attached List

cc: Mr. George Wishman
Federal Highway Administration
U.S. Bank Plaza
980 Ninth Street, Suite 400
Sacramento, CA 95814-2724

Ms. Karen Schaeffer
Regulatory Functions
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2992

Mr. Art Champ, Chief
Regulatory Functions
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2992

Mr. Paul Jones
Wetlands Program
Environmental Protection Agency
Permitting Section
75 Hawthorn Street (W-7-2)
Sacramento, CA 94105

Mr. Mike Aceituno
Attention: Mark Littlefield
U.S. Fish & Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

Mr. Dave Zezulak
Environmental Services
Department of Fish & Game
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

bcc: Joe Caputo, Chief Project Studies
Henry Bass, Env. Br. A
Lucie Adams, HQ Env. Division



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Sacramento Field Office
2800 Cottage Way, Room E-1803
Sacramento, California 95825

In Reply Refer To:
PPN 626

June 17, 1994

Ms. Jean L. Baker, Chief Environmental Branch B
California Department of Transportation
District 3
P.O. Box 911
Marysville, CA 95901

Subject: State Route 65 Bypass of the City of Lincoln (Lincoln Bypass),
Placer County, California

Dear Ms. Baker:

The U.S. Fish and Wildlife Service (Service) has reviewed your request dated May 12, 1994 for concurrence with the proposed Lincoln bypass project's purpose and need, criteria for alternative selection, and the alternatives to be evaluated in the draft environmental impact statement. A description of the proposed project was transmitted to the Service on April 25, 1994. This description included the above referenced statements.

The Service requires more information on the proposed project's purpose and need statement, alternatives, and selection criteria before we can make a determination to concur or not concur at this planning stage. The comments below are provided for your consideration and to help in revision of the above referenced statements to our satisfaction. These comments will not take the place of any formal comments that may be required under the provisions of the Fish and Wildlife Coordination Act or the Endangered Species Act.

Purpose and Need Statement

The need statement is not clearly identified in the document. Purpose and need are two separate assertions, and should be differentiated in the text.

According to guidelines for implementing the NEPA/Section 404 Integration MOU, the need statement should define the problem or problems, explaining why a project is necessary. The need should be quantified wherever possible. The Service suggests that Caltrans express the need statement in terms of congestion, safety, Regional Transportation Plan policies, or transportation system management improvements. The need for the proposed project should be very well defined by the project development stage.

Much of the necessary language for a clear need statement already exists in the text of the document. We recommend restructuring the format of the need statement to promote better understanding of the problems and concerns that

led to the proposed project. Tables and statistics showing current road use, projected traffic flow, accident rates, local versus interregional traffic, etc. would be useful in identifying the need for the proposed project.

The purpose statement is also unclear and is not adequately supported by the need statement. A purpose statement should state the agency's intentions to solve the problem as described in the need. Given this project's need statement, the purpose statement is too precise. Why is a bypass necessary? The need statement does not discuss the need for a bypass. In what circumstances would a bypass be necessary? This should be clearly identified and discussed in the text.

Proposed Alternatives

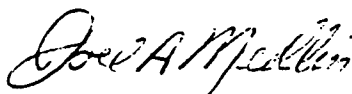
The Service met with representatives from Caltrans and the other MOU signatory agencies on May 5, 1994 to discuss the proposed project. The participants discussed several alternative alignments other than the proposed alternatives. These included variations on the existing alternatives in order to avoid impacts to vernal pools, and pushing the alignment farther east, closer to the existing SR 65 alignment to avoid impacts to wetlands and possible archeological sites. The Service is concerned with the potentially high impacts to wetlands and sensitive species associated with the current alternatives. The Service recommends that Caltrans undertake preliminary studies of the other alternatives recommended at the 5 May meeting to ascertain their appropriateness for further NEPA analysis.

Criteria for Selection of Alternatives

The matrix transmitted with the April 25, 1994 package compares impacts to various biological resources for each of the current alternatives. We recommend also including the alternatives that have been discarded into the matrix. Furthermore, the matrix should include the other criteria that Caltrans used to select the current alternatives - residential/commercial impacts, cost, projected traffic flow, etc.. In order for the Service to be able to review the selection criteria for concurrence or nonconcurrence, we will need a complete list of the criteria and the alternatives that were discarded at earlier planning stages.

If you have any further questions regarding these comments, please contact Kristi Young at 916/978-4866.

Sincerely,



Joel A. Medlin
Field Supervisor

cc: ARD-ES, Portland, OR
COE, Sacramento (Regulatory)
EPA, San Francisco (Wendy Melgin)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 28, 1994

Jean L. Baker, Chief
Environmental Branch B
California Department of Transportation
District 3
P.O. Box 911
Marysville, CA 95901

Dear Ms. Baker:

The Environmental Protection Agency has reviewed the information concerning **Route 65: Lincoln Bypass** provided under your cover letter dated May 12, 1994. It appears, from the information provided, that our involvement in the concurrent process established within the NEPA/404 Memorandum of Understanding (MOU) is appropriate inasmuch as projected wetland impacts would likely require an individual Section 404 permit.

We are pleased to offer our initial concurrence on two elements of the project. We concur that: 1) the range of alternatives presented appears to meet the requirements of Section 404; and 2) the project document has adequately included the criteria for including the alternatives presented. We nonconcur, however, that the range of alternatives complies with the National Environmental Policy Act (NEPA). As such, there are several elements that we believe warrant further refinement before proceeding to the next stage in the National Environmental Policy Act (NEPA) process. For purposes of clarity, we've listed the applicable elements from the MOU below and provided comments which relate specifically to each element.

1. Is the Purpose and Need appropriately presented/discussed? The project purpose should be stated without limiting options for "reducing traffic congestion and delays and improving safety" to constructing a bypass. The purpose should be simply stated as "...to reduce traffic delays and congestion, and to improve safety." The need to accommodate such a purpose has been clearly presented, but the means by which to accommodate the purpose is not as clear. For example, some of the congestion comes from local traffic that will continue to use the downtown roadway regardless of whether the bypass is constructed. We question whether the alternatives presented in the document keep the purpose of the project broad enough so that other options are not foreclosed.

2. Does the project document discuss an appropriate range of alternatives? While the document does discuss alternatives, all of the alternatives, with the exception of no action, focus on bypass alignments. There is no discussion of

any other means to accomplish the project purpose. For example, the range of alternatives should include an analysis of constructing a two lane bypass (rationale provided in 1, above) and could include an analysis of perhaps adding signals on the current route or re-routing traffic off of main street or adding additional transit opportunities ("no expansion plans are being considered at this time") and/or a combination of any or all of these **or other such options**. CEQ regulations for implementing NEPA require analysis of all reasonable alternatives [40 CFR §1502.14(a)]. If these are not reasonable alternatives, please provide the rationale for discarding them.

3. Is the (Section 404) least environmentally damaging practicable alternative described as such? This is a major issue which should be addressed before proceeding to the next stage. The information provided clearly indicates that the D13 alignment is the preferred alternative. D13, with the potential for impacts to 18.29 acres of wetlands, would impact twice as much wetland area as alternative alignments AA and A5. As such, D13 does not appear to be the least damaging practicable alternative, based on the information provided..

4. Does the project mitigation plan and implementation schedule adequately accommodate the intent of the NEPA/404 Concurrent Process?

AND

5. Once implemented, would the proposed mitigation plan prevent significant degradation of the aquatic environment from the project? There was no significant discussion of mitigation in the document provided for review. Both of these issues should be addressed before proceeding to the next stage.

In reviewing the information provided, we also note that upgrading of Route 65 to a four lane expressway (in keeping with the August 1992 District 3 System Management Plan, which "indicates that the concept facility for Route 65 is a four-lane expressway with a bypass of Lincoln") is taking place segment by segment. The first "segment" (Roseville Bypass) has already been upgraded to a four lane expressway from I-80 to Blue Oaks Boulevard. Accordingly, we are:

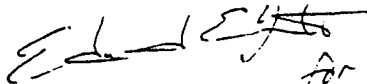
- a) unclear of the logical termini for the Lincoln Bypass "segment;" and
- b) concerned that the indirect effects and cumulative environmental impacts of the "concept facility" may not be addressed in accord with 40 CFR Sections 1508.7 and 1508.8(b).

We would be very interested in receiving the NEPA documentation prepared for the Roseville Bypass and any other NEPA documentation which may have been prepared pursuant to expanding Route 65. The NEPA document prepared for this particular proposal should include a thorough discussion and analysis of direct and indirect effects and cumulative impacts as defined in the Council on Environmental Quality Regulations for Implementing the National Environmental Policy Act (40 CFR Parts 1500-1508).

Your cover letter also requests that EPA participate as a cooperating agency in the preparation of the EIS for the proposed project. Inasmuch as the proposed project could significantly impact aquatic resources, we believe our involvement as a cooperating agency may be appropriate. At this time we propose that our participation include: 1) review of draft materials pertinent to aquatic resources, such as Section 404(b)(1) analysis, jurisdictional determination, habitat analysis and compensatory mitigation plans; 2) attending a limited number of meetings; and 3) participating in conference calls that might be necessary to resolve particular issues. Normally, the lead **federal** agency (FHWA) prepares a formal request and memorandum of understanding which outlines the specifics of each agency's responsibilities. We will provide a copy of this response to FHWA indicating that we would be a cooperating agency in this effort if requested to do so.

We appreciate your efforts in providing information in keeping with the NEPA/404 MOU. Should you have questions regarding our comments, please contact me at 415-744-1574. If you have questions concerning Section 404 issues, please have your staff contact Wendy Melgin in our Wetlands and Sediment Management Section at 415-744-1966.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Farrel", with a stylized flourish at the end.

David J. Farrel, Chief
Environmental Review Section
Office of Federal Activities

RT65.df

cc: FHWA, Sacramento (G. Wishman)
COE, Sacramento (A. Champ/K. Schaeffer)
USFWS, Sacramento (M. Littlefield)

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
P.O. BOX 911
MARYSVILLE, CA 95901
Telephone (916) 741-4509
(916) 741-4457
Telephone (916) 741-4498



February 18, 1997

03-PLA-65
PM R12.2/R23.8
Lincoln Bypass
E.A. 03 333800

Ms. Elizabeth White
U.S. Environmental Protection Agency
Region 9, Wetlands Permits (W-7-2)
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. White:

The enclosed information relative to the proposed Lincoln Bypass project is being sent to you in preparation for a meeting scheduled on Thursday, March 6, 1997, at 9:00 a.m., in Room 1220 of the Sacramento District Corps of Engineers office. The information includes copies of prior correspondence from your agency and the U.S. Fish & Wildlife Service pursuant to the NEPA/404 MOU. It also includes a summary of project purpose and range of alternatives. The purpose of the meeting on March 6 is to provide current information to the Corps, EPA and U.S. Fish & Wildlife Service and, in compliance with the NEPA/404 MOU, to obtain concurrence from these agencies with the project purpose and range of alternatives to be covered in the draft EIS.

If you have any questions prior to our meeting, please do not hesitate to contact me. Thank you.

Sincerely,

Original Signed By

JEAN L. BAKER, Chief
Office of Environmental
Engineering/Technical Studies

Enclosures

bc: Mr. Rick Harlacher w/o enclosure
LSA Associates, Inc.
6721 Five Star Blvd., Suite C
Rocklin, CA 95677

Wendy Tkacheff, Design
Henry Bass, Environmental
Carolyn Brown, Environmental

JB:jm

File: EPA/65

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
P.O. BOX 911
MARYSVILLE, CA 95901
TDD Telephone (916) 741-4509
AX (916) 741-4457
Telephone (916) 741-4498



February 18, 1997

03-PLA-65
PM R12.2/R23.8
Lincoln Bypass
E.A. 03 333800

Mr. Mark Littlefield
U. S. Fish & Wildlife Service
Sacramento Field Office
3310 El Camino Avenue, Suite 130
Sacramento, CA 95821-6340

Dear Mr. Littlefield:

The enclosed information relative to the proposed Lincoln Bypass project is being sent to you in preparation for a meeting scheduled on March 6, 1997, at 9:00 a.m. in Room 1220 of the Sacramento District Corps of Engineers office. This is a change from the previously-scheduled meeting on February 27. The information outlines agency coordination to date, project purpose and range of alternatives. The purpose of the meeting is to provide current information to the Corps, EPA and the Service and, in compliance with the NEPA/404 MOU, to obtain concurrence from these agencies with the project purpose and range of alternatives to be covered in the draft EIS.

If you have any questions prior to the meeting, please do not hesitate to contact me.
Thank you.

Sincerely,

Original Signed By

JEAN L. BAKER, Chief
Office of Environmental
Engineering/Technical Studies

Enclosure

bc: Mr. Rick Harlacher w/o enclosure
LSA Associates, Inc.
6721 Five Star Blvd., Suite C
Rocklin, CA 95677

Wendy Tkacheff, Design
Henry Bass, Environmental
Carolyn Brown, Environmental

JB:jm

File: FWS/65

DEPARTMENT OF TRANSPORTATION

DISTRICT 3

P.O. BOX 911

MARYSVILLE, CA 95901

Telephone (916) 741-4509

Fax (916) 741-4457

Telephone (916) 741-4498



February 18, 1997

03-PLA-65
PM R12.2/R23.8
Lincoln Bypass
E. A. 03 333800

Mr. Mike Finan
U.S. Army Corps of Engineers
ATTN: Regulatory Branch
1325 J Street
Sacramento, CA 95814-2922

Dear Mr. Finan:

The enclosed information relative to the proposed Lincoln Bypass project is being sent to you in preparation for the meeting to be held in your office on March 6, 1997, at 9:00 a.m. The information outlines agency coordination to date, project purpose and range of alternatives. The purpose of the meeting is to provide current information to the Corps, EPA and U.S. Fish & Wildlife Service and, in compliance with the NEPA/404 Integration MOU, to obtain concurrence from these agencies with the project purpose and the range of alternatives to be covered in the draft EIS.

If you have any questions prior to our meeting, please do not hesitate to contact me.
Thank you.

Sincerely,

Original Signed By

JEAN L. BAKER, Chief
Office of Environmental
Engineering/ Technical Studies

Enclosure

bc: Mr. Rick Harlacher w/o att.
LSA Associates, Inc.
6721 Five Star Blvd., Suite C
Rocklin, CA 95677

Henry Bass, Environmental
Carolyn Brown, Environmental
Wendy Tkacheff, Design

JB:jm

File: Corps/65

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
P.O. BOX 911
MARYSVILLE, CA 95901
Telephone (916) 741-4509
Fax (916) 741-4457
Telephone (916) 741-4498



March 17, 1997

03-PLA-65
PM R12.2/R23.8
Lincoln Bypass
E. A. 03 333800

Mr. Mike Finan
U.S. Army Corps of Engineers
ATTN: Regulatory Branch
1325 J Street
Sacramento, CA 95814-2922

Dear Mr. Finan:

The enclosed information is being sent to you following an interagency coordination meeting held in the Army Corps of Engineers Sacramento District Office on March 6, 1997. The meeting was intended to provide current information to the Corps, EPA and U.S. Fish & Wildlife Service regarding the proposed State Route 65 Bypass of the City of Lincoln and to re-initiate compliance with the NEPA/404 MOU. The project is sponsored by Caltrans and the Federal Highway Administration.

Following an earlier interagency meeting held in May 1994, the EPA and U.S. Fish & Wildlife Service raised various concerns, particularly regarding the project purpose and the range of alternatives. As discussed at the most recent meeting, these two elements have been revised to address these concerns, as reflected in the attached summary. Other concerns raised in 1994 include identification of the Section 404 least environmentally damaging practicable alternative (LEDPA), implementation of the project mitigation plan and logical termini for the project. These elements will be specifically identified in the draft and final EIS, to be completed during 1998-99.

A Major Investment Study, a collaborative process involving local, county, regional, state and federal agencies, was completed in 1995. The study evaluates the efficiency and effectiveness of a full range of transportation alternatives as possible solutions to the problems through Lincoln. The process led to local consensus in the selection of the "highway bypass" as the preferred mode. It also documents the local and regional transportation planning process which identified the project need. The study does not select nor endorse a specific alignment. This will come about during public circulation of the draft and final EIS.

Pursuant to the terms of the NEPA/404 MOU, Caltrans and the Federal Highway Administration seek your agency's written concurrence on the project purpose and the range of alternatives to be addressed in the draft EIS. If you have any questions, please do not hesitate to contact me.

Sincerely,

Original Signed By

JEAN L. BAKER, Chief
Office of Environmental
Engineering/Technical Studies

Enclosures

c: Mr. David Farrel
Chief, Federal Activities
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Mr. Mark Littlefield
U.S. Fish & Wildlife Service
Sacramento Field Office
3310 El Camino Avenue, Suite 130
Sacramento, CA 95821-6340

Mr. Dave Zezulak
Chief, Environmental Services
Department of Fish & Game
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

bc: Mr. Rick Harlacher w/o att.
LSA Associates, Inc.
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Federal Highway Administration
U.S. Bank Plaza
980 Ninth Street, Suite 400
Sacramento, CA 95814-2724

Henry Bass, Environmental
Carolyn Brown, Environmental
Wendy Tkacheff, Design

JB:jm

File: Corps/65



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services

Sacramento Field Office

3310 El Camino Avenue, Suite 130

Sacramento, California 95821-6340

IN REPLY REFER TO:

In Reply Refer To:

PPN 626

March 21, 1997

Jean L. Baker, Chief
Office of Environmental Engineering/Technical Studies
Department of Transportation, District Three
P.O. Box 911
Marysville, California 95901

Subject: State Route 65 Lincoln Bypass Alternatives Analysis, Project Purpose, and Range of Alternatives, Placer County, California

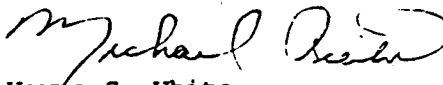
Dear Ms. Baker:

The U.S. Fish and Wildlife Service (Service) has reviewed your request for concurrence under the NEPA/404 Memorandum of Understanding (MOU) with the revised project purpose and range of alternatives for the proposed State Route 65 bypass.

We offer concurrence with the project purpose and range of alternatives that have been provided to us. Due to the potential high impacts to wetlands, the Service requests that the Section 404 least environmentally damaging practical alternative be clearly identified in the draft and final Environmental Impact Statement (EIS) scheduled for 1998-1999.

We look forward to reviewing the EIS upon completion. We appreciate your efforts in providing information in accordance with the NEPA/404 MOU. If you have any questions regarding these comments, please contact Kelly Oliver-Amy (Wetlands Branch) at (916) 979-2113.

Sincerely,


Wayne S. White
Field Supervisor

cc: AES-Portland, OR
COE, Sacramento
EPA, San Francisco
Reg. Mgr., CDFG, Reg. II, Rancho Cordova



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

April 7, 1997

Regulatory Branch (199500363)

Jean L. Baker, Chief
Office of Environmental Engineering/Technical Studies
State of California
Department of Transportation, District 3
P.O. Box 911
Marysville, California 95901

Dear Ms. Baker:

This letter concerns your March 17, 1997 letter requesting our comments on the project purpose and range of alternatives for the proposed State Route 65 Bypass of the City of Lincoln. Based upon the information you have provided we understand that this project is being sponsored by Caltrans and the Federal Highway Administration and that planning for this project will follow the memorandum of understanding integrating the National Environmental Policy Act and Section 404 of the Clean Water Act.

We concur with the revised statement of project purpose, the tiered approach, design parameters (which include minimizing impacts to wetlands) and the full range of alternatives discussed in the enclosure of the above letter. In order to assess the consistency of the alternatives relative to the project design parameters, a delineation of waters of the United States, including wetlands, potentially affected by each of the alternatives should be verified. Although the verifications we previously provided (199000168) have expired, we believe that much of the information generated in the original delineation will be useful and should help to expedite delineation(s) for the current project alternatives.

Where possible, the indirect impacts of each of the alternatives on waters, including wetlands, should also be identified and evaluated in an Environmental Impact Statement (EIS) for this project. Examples include waters in areas adjacent to proposed interchanges or in other areas where wetland losses could increase due to access from improving the existing alignment, constructing a highway bypass or other non-highway alternatives.

The Corps of Engineers jurisdiction within the study areas is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States or excavation that has more than a minimal effect on the aquatic environment in these waters. The range of alternatives considered in an EIS should include alternatives that avoid fill in wetlands or other waters of the United States within the study area. Every effort should be made to avoid project features which require the discharge of fill into waters of the United States or which would indirectly lead to their loss. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for losses resulting from project implementation.

We appreciate the opportunity to be included in your review process. We look forward to working with you in the identification of the Section 404 least environmentally damaging project alternative and in processing any Department of the Army permits which may be required for this project. If you have any questions, please write to Michael Finan, Room 1480, or telephone (916) 557-5324.

Sincerely,



Bob Junell
Chief, Sacramento Valley Office

Copies Furnished:

Ms. Kelly Oliver-Amy, Wetlands Branch, U.S. Fish and Wildlife Service, 3310 El Camino Avenue, Suite 130, Sacramento, California 95821-6340

Mr. James Romero, CWA Compliance Office (WTR-7), U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105

Ms. Edna Maita, Environmental Services, California Department of Fish and Game, 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

May 6, 1997

Jean L. Baker, Chief
Office of Environmental Engineering
Technical Studies
California Department of Transportation
District 3
P.O. Box 911
Marysville, CA 95901

Dear Ms. Baker:

The Environmental Protection Agency has reviewed the information provided in your letter of March 17, concerning the proposed Route 65: Lincoln Bypass project. As you requested in your letter and per the NEPA/404 Memorandum of Understanding (MOU), we will be offering comments on basic project purpose and need and the range of alternatives to be evaluated in the DEIS. The purpose and need statements and the alternatives analysis discussion presented here, are in response to our June 28, 1994 comments on these issues.

We are pleased to offer our initial concurrence that the range of alternatives appears to meet the requirements of Section 404, and the project document has included acceptable criteria for considering the alternatives selected. While we agree that the tiered approach is an acceptable tool for selecting alternatives, we are concerned over the design parameter statement that the project should be built for a reasonable cost. In the Tier 2 documentation, Caltrans should define what would be a reasonable cost for this project and what the fiscal constraints are for not examining projects that would be more costly.

We also concur with the project purpose and need that is presented as a response to our comments of June 28, 1994. We concur that this purpose and need for the project is adequately defined to satisfy the NEPA and Section 404 project purpose standards. However, we were unclear as to why Caltrans elected to keep the previous Purpose statement in the documentation. Caltrans seems to imply that this purpose statement will continue to be identified as the definition for the project and that the other Purpose statement is offered in order to address the resource agency concerns rather than as a replacement for the original statement. For clarity, we suggest that Caltrans remove the previous purpose statement, and keep only the rewritten Purpose statement:

The Corps of Engineers jurisdiction within the study areas is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States or excavation that has more than a minimal effect on the aquatic environment in these waters. The range of alternatives considered in an EIS should include alternatives that avoid fill in wetlands or other waters of the United States within the study area. Every effort should be made to avoid project features which require the discharge of fill into waters of the United States or which would indirectly lead to their loss. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for losses resulting from project implementation.

We appreciate the opportunity to be included in your review process. We look forward to working with you in the identification of the Section 404 least environmentally damaging project alternative and in processing any Department of the Army permits which may be required for this project. If you have any questions, please write to Michael Finan, Room 1480, or telephone (916) 557-5324.

Sincerely,



Bob Junell

Chief, Sacramento Valley Office

Copies Furnished:

Ms. Kelly Oliver-Amy, Wetlands Branch, U.S. Fish and Wildlife Service, 3310 El Camino Avenue, Suite 130, Sacramento, California 95821-6340

Mr. James Romero, CWA Compliance Office (WTR-7), U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105

Ms. Edna Maita, Environmental Services, California Department of Fish and Game, 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670

DEPARTMENT OF TRANSPORTATION**DISTRICT 3**

2389 GATEWAY OAKS DR.
 SACRAMENTO, CA 95833
 PHONE (916) 274-0588
 FAX (916) 274-0602
 TTY (530) 741-4509



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September 30, 2002

Lisa Hanf
 U. S. Environmental Protection Agency
 75 Hawthorne St.
 San Francisco, CA 94105-3901

Attn: Nancy Levin, Kathy Dady

Dear Lisa Hanf,

Caltrans, and the Federal Highway Administration (FHWA) respectfully request your concurrence on the Least Environmentally Damaging Practicable Alternative (LEDPA) for the Lincoln Bypass project. Caltrans and FHWA propose that the D 13 North Modified Alternative be presented as the LEDPA.

Impacts to Key Resources

	AAC2 Alignment	A5C1 Alignment	D1 Alignment	D13 Alignment	D13 South Modification Alignment	D13 North Modification Alignment
Jurisdictional Waters ¹	6.23 ha (15.4 acres)	7.85 ha (19.4 acres)	5.30 ha (13.1 acres)	4.73 ha (11.7 acres)	5.91 ha (14.6 acres)	5.50 ha (13.6 acres)
Vernal Pools and Swales	3.80 ha (9.4 acres)	4.65 ha (11.5 acres)	2.43 ha (6.0 acres)	2.14 ha (5.3 acres)	3.28 ha (8.1 acres)	2.23 ha (5.5 acres)
Riparian and Oak Habitats	11.21 ha (27.7 acres)	8.17 ha (20.2 acres)	1.54 ha (3.8 acres)	4.45 ha (11.0 acres)	1.17 ha (2.9 acres)	4.45 ha (11.0 acres)
Socioeconomic	20 residences	78 residences	20 residences	10 residences	10 residences	18 residences

¹ Includes areas meeting Corps criteria as wetlands and non-wetland waters of the U.S.

A review of the table above indicates that the D 13 impacts 1.9 acres less jurisdictional waters and has 0.2 acre less impact on vernal pools than the D 13 North Modified; however, it does impact a property that has a Permanent Conservation Easement in the Wetlands Reserve Program. (See attachment A) The D 13 North Modified was developed to avoid conflicts with this land use restriction, and will affect only 0.2 acres more vernal pool habitat and 0.77 acres more jurisdictional wetlands than the D 13 alternative.

The Wetlands Reserve Program (WRP) is a voluntary program that provides technical and financial assistance to eligible landowners to address wetland, wildlife habitat, soil,

water, and related natural resource concerns on private lands in an environmentally beneficial and cost-effective manner. Participants voluntarily limit future use of the land, but retain private ownership. WRP is reauthorized in the Farm Security and Rural Investment Act of 2002 (Farm Bill). The Natural Resources Conservation Service (NRCS) administers the program.

All of the alternatives except the D 13 North Modified require acquisition of property that is under the Wetlands Conservation Easement in the Wetlands Reserve Program. Acquisition of this property would require lengthy legal concerns and is not a guaranteed success. This would not be a prudent use of the public funds.

In the EPA's letter of February 8, 2001, EPA expressed concern about the cumulative effects of this project. Specifically, EPA suggested that the AAC2 alternative should be considered as the LEDPA in spite of the fact that it has more impacts than all of the others with the exception of the A5C1. The letter stated that looking only at the number of acres of wetlands impacted does not take into account the issues of habitat fragmentation, loss of wetland functions, and development patterns. EPA further commented that the waters associated with the "AC alignments are likely to be impacted by development regardless of whether these alternatives are selected. Lands crossed by the "D" alignments, on the other hand, are in rural areas and farther from development pressures."

Development Patterns

Figure 1 shows the zoning for the Lincoln General Plan. The green shaded areas are zoned agricultural. It is the City of Lincoln's Policy to ensure that agriculture will continue to be a significant land use within the city's sphere of influence. (See Attachment B.) All the other areas are zoned for development, either industrial or residential. Some Open Space has been incorporated into the planned developments as well. This map shows that, at this point in time, most of the area between the D 13 corridors and existing SR 65 is already intended for either industrial or residential type development. Choosing the AAC2 alternative would not contain growth, since growth is already planned for this area. In fact, it might have the opposite effect of not containing growth. The D 13 North Modified Alternative allows for limited planned growth to occur, yet serves to contain unlimited expansion to the west; whereas the AAC2 will split the town in two and not contain future growth to the west. Building the AAC2 alternative could necessitate another bypass in the future to address probable congestion.

The D 13 North Modified Alternative allows for access to the airport. The Lincoln Municipal Airport serves an important transportation need for the Industrial area adjacent to the airport. The Lincoln Airport authority has proposed major improvements to the airport over the next 20 years. Local access to the airport is critical to the success of both the airport and the adjacent industrial type businesses.

The portions of the project study limits that are outside Lincoln's sphere of influence are under Placer County's direction. Placer County's General Plan shows the entire area affected by the proposed project as zoned for Agriculture, most with an 80-acre minimum parcel size with some smaller areas having a 20-acre minimum parcel size. (See Figure 2). Placer County has a policy to designate adequate agricultural land and promote development of agricultural uses to support the continued viability of Placer County's

agricultural economy. (See Attachment C)

As indicated by both the City and County's general plans, it is apparent that the future land use of the area affected by the bypass has been established regardless of the location of the bypass.

Both the city planners and most of the residents of Lincoln are overwhelmingly in favor of the D 13 alternatives and opposed to the AAC2 and A5C1 alternatives. The D 13 Bypass has been a part of the Lincoln General Plan since 1998 and recent residential and other developments have been approved or constructed on that basis.

Habitat fragmentation and Loss of Wetland Functions

While it is true that the impacts resulting from the various alternatives are compared primarily in terms of acreage, other factors were also considered in the overall LEDPA evaluation. For example, the quality of both vernal pool and marsh wetland types were evaluated and compared based on overall size and diversity of habitat, degree of disturbance, presence of special status species, and other factors. The 'A' alignments would both impact two "high value" vernal pool complexes, while the 'D' alignments would impact one "high value" marsh complex. The relative value of wetland types and the probability of successfully re-establishing particular types of wetlands were also considered in the impact evaluation. Finally, there are other tradeoffs that must be considered. For example, while impacts to jurisdictional waters and wetlands acreage from the AAC2 alignment are comparable with the 'D' alignments, the impact to oak woodland is nearly three times greater than with the 'D' alignments.

For purposes of comparing alternatives, it has generally been assumed that habitat fragmentation will occur, and be comparable in magnitude, regardless of the alternative selected. Only short sections of the 'A' alignments are adjacent to existing development; the majority of each of these alignments traverses open fields similar to the 'D' alignments. Thus, the effects of fragmentation would be similar.

Aitkens Ranch is proposed as mitigation for this project. Through the use of an innovative mitigation rights agreement, the Department has secured the rights to both preservation and restoration components for wetlands/vernal pools at Aitken Ranch. Thus, by the time the proposed project is ready to be constructed, replacement habitat will be in place. The Aitken Ranch site is located approximately 4 miles southwest of the town of Lincoln, on Auburn Ravine Creek in Placer County, California. The site consists of approximately 317 acres of upland grasslands, freshwater marsh, vernal pool/swale complex, and riparian forest through which a one-mile stretch of Auburn Ravine flows. Wildlands, Inc., the property owner, is proposing to preserve existing habitats, restore and/or create wetlands, marsh, valley oak, and riparian habitat on the site and provide ongoing land stewardship. The site will be designed to support Swainson's hawk, vernal pool fairy shrimp, and valley elderberry longhorn beetle (VELB), as well as various riparian- and seasonal wetland-dependent birds. Mitigation at the Aitken site should provide, at a minimum, preservation of 11 acres of vernal pools and swales, 47.5 acres of mixed riparian oak woodland, 10.8 acres of marsh/open water, and 191 acres of upland grassland habitats. The plan also provides for restoration and/or creation of 10 acres of vernal pools and swales, 18 acres of mixed riparian, and 26 acres of valley oak woodland

habitats.

Stewardship of the site will include managed grazing in the upland areas to control exotic annual grasses, such as medusa head, and to promote improved range conditions. Additionally, independent of the mitigation for Lincoln Bypass, steps to improve the condition of Auburn Ravine Creek and its use by steelhead trout, fall-run Chinook salmon, and other fish species are being studied. Ongoing site maintenance will include exotic species control, land-use management for optimal protection of the habitats, and a 10-year monitoring program to assess the success of created and enhanced habitats. A conservation easement will protect the site in perpetuity, and will complement Placer County's permanent open space planned for the Auburn Ravine and Orchard Creek floodplains under the County's Placer Legacy program. The Aitken Ranch site will be a keystone parcel in this program, providing a future open space buffer between the City of Lincoln and Placer County agricultural lands to the west.

In order to evaluate this project, enclosed with this letter is the Alternatives Analysis written in compliance with the 404(b)(1) guidelines. We would like to meet with you to discuss these issues and obtain concurrence on the LEDPA. I will be contacting you to arrange a time and date. If you have any questions in the meantime, please contact either myself at (916) 274-0588 or Karen McWilliams at (916) 274-0631.

Sincerely,

John Webb
Chief, North Region Environmental Services

c: RC Slovensky, Tom Cavanaugh
bc Kome Ajise, Karen McWilliams, Chris Collison

Attachment: (2 copies of Alternatives Analysis and a copy of the Lincoln General Plan, Housing Element and Public Facilities element)

KMcWilliams/KM

DEPARTMENT OF TRANSPORTATION

DISTRICT 3

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Flex your power!

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December 5, 2002

Lisa Hanf
Federal Activities Program Manager
Cross Media Division

Nancy Woo
Associate Director
Water Division
U. S. Environmental Protection Agency
75 Hawthorne St.
San Francisco, CA 94105-3901

Attn: Nancy Levin, Kathy Dadey

Dear Lisa Hanf and Nancy Woo,

Caltrans and the Federal Highway Administration (FHWA) respectfully request your concurrence on the Least Environmentally Damaging Practicable Alternative (LEDPA) for the State Route 65 Lincoln Bypass project. Caltrans and FHWA propose that the D 13 North Modified Alternative be presented as the LEDPA.

Caltrans met with Nancy Levin and Kathy Dadey on October 31, 2002 to discuss the request for concurrence sent on September 30, 2002. Also attending that meeting were Loren Clark with the Placer County Planning Department and Rod Campbell, Community Development Director for the City of Lincoln. It was a very productive meeting, with information shared and discussed on recent and anticipated growth and land-use patterns in the vicinity of the proposed Lincoln Bypass project. This letter and the attached information serve to address the growth inducement, agricultural land conversions, and community impact concerns raised by EPA at the October 31st meeting. For your convenience, the September 30th letter and notes from the October 31st meeting are also attached to this letter.

Caltrans, FHWA, the City of Lincoln and Placer County would all appreciate your prompt consideration of this supplemental information, and concurrence on the proposed LEDPA for this vital and much-needed transportation project. If you have any questions, please contact either myself at (916) 274-0588 or Karen McWilliams at (916) 274-0631. Thank you.

Sincerely,

John D. Webb, Chief North Region Environmental Services

c: RC Slovensky FHWA
Tom Cavanaugh, Corps of Engineers
Rod Campbell, City of Lincoln
Loren Clark, Placer County
bc Kome Ajise, Karen McWilliams, Chris Collison

Attachment: (Sept. 30th letter, meeting notes from October 31st.)

KMcWilliams/KM

PLA-65 Lincoln Bypass Project – LEDPA Support Information

Least Environmentally Damaging Practicable Alternative (LEDPA):

Caltrans and FHWA propose that the D 13 North Modified alternative is the LEDPA. As you can see on the table below, the impacts to vernal pools and wetlands are relatively comparable for all the alternatives.

Table 1 Impacts to Key Resources

	AAC2 Alternative	A5C1 Alternative	D1 Alternative	D13 Alternative	D13 South Modification Alternative	D13 North Modification Alternative
Jurisdictional Waters ¹	6.23 ha (15.4 acres)	7.85 ha (19.4 acres)	5.30 ha (13.1 acres)	4.73 ha (11.7 acres)	5.91 ha (14.6 acres)	5.50 ha (13.6 acres)
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Riparian and Oak Habitats	11.21 ha (27.7 acres)	8.17 ha (20.2 acres)	1.54 ha (3.8 acres)	4.45 ha (11.0 acres)	1.17 ha (2.9 acres)	4.45 ha (11.0 acres)
Socioeconomic	469 residences	461 residences	20 residences	10 residences	10 residences	18 residences

¹ Includes areas meeting Corps criteria as wetlands and non-wetland waters of the U.S.

However, this table does not show the quality of vernal pools impacted by each alternative. The A5C1 and AAC2 alternatives impact higher quality vernal pools than the D alternatives. The AC alternative would go through the Foskett Ranch area and impact resources currently being protected in two environmental preserves. (See Figure 3)

In addition, the AC alternatives have a much greater community impact than the D alternatives. During the ten years between concurrence on the “range of alternatives” and the present, growth in Lincoln has continued. Several developments have been approved or are already built within the AC alignment. A recent count of residences affected by the project shows that the A5C1 alternative impacts 461 residents and the AAC2 alternative impacts 469 residents. The AC alternatives would split established communities as well as recently constructed communities such as the Foskett Ranch and run adjacent to a proposed elementary school, separating it from the communities it would serve on the other side of the highway. (See Figure 2) The additional costs of purchasing right of way and relocation efforts would cause the project costs to escalate at least \$16,000,000.

Community impacts are often hard to gauge due to the lack of analytical information. There are no standards or formulas that can be used to compute short and long-term impacts when an alternative divides a community and determining significance is often subjective. The CEQA guidelines provide some direction on determining whether a project impact is significant:

Will the project:

- Disrupt or adversely affect a property of cultural significance to a community or ethnic social group,
- Induce substantial growth or concentration of population,
- Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system,
- Displace a large number of people,
- Disrupt or divide the physical arrangement of an established community;
- Conflict with established recreational, educational, religious or scientific uses of the area,

PLA-65 Lincoln Bypass Project – LEDPA Support Information

Page 2

- Convert prime agricultural land to nonagricultural use or impair the agricultural productivity of prime agricultural land, or
- Interfere with emergency response plans or emergency evacuation plans.

In determining impacts to community cohesion and effects on property values, certain characteristics may provide insight as to whether or not a significant effect will occur. For example, a community is considered cohesive if it is determined that the residents have a "sense of belonging", whether they have a level of commitment to the residents of the community and neighbors, groups and institutions. Significant impact need not be determined by the length of time a community has been in existence but may be determined by the level of shared activities, ethnic group clusters and personal contact in addition to other social factors. Comments received during open houses from the public in the existing community along the AC alternative have voiced a passion towards their choice in moving to a smaller, more rural community that allows for a more intimate atmosphere among neighbors. The communities that would be impacted by the AC alternative belong to neighborhood watch programs. A neighborhood watch program is an example of a group that is committed to a community and demonstrates cohesiveness.

An alternative that would separate the community, pose safety problems, place a barrier to mobility between neighborhoods and increase noise to the level that would require soundwalls, may have an impact to the "intimate" feel that has attracted these residents to Lincoln.

Long-term effects on property values can occur when a transportation project cuts through existing communities. Many factors are considered when determining the extent of the impact on property values of a freeway or major highway such as the character of the neighborhood, supply and demand of homes, community services and other socioeconomic factors. Generally, properties abutting freeways do not appreciate in price and in some cases are priced 0.5% to 16% lower than properties further removed from the freeways. A decrease in property values will in turn affect the local tax base as well.

Although an exact determination cannot be made on the long-term impacts of the property values, it can be reasonably stated that since the AC alternatives divide existing communities, this may pose long-term socioeconomic impacts, which would change the dynamics of the existing community and could lead to a decrease in desirability of the neighborhoods. Therefore, the AC alternative could indeed pose a significant effect under CEQA and NEPA.

In contrast, the D 13 North Modified alternative would not divide any existing communities. Although the D 13 North Modified alternative would result in impacts to other resources, as would the AC alternative, the overall impacts to resources and socioeconomic factors would be less damaging.

Growth in the Sacramento Valley continues to occur. It is Caltrans mission to improve mobility across California. While Caltrans does not have the authority to control or regulate growth, it does, by the nature of providing improved access to farther reaches of the county, influence growth to a certain degree. To this end, Caltrans is actively working with the cities, counties and regional agencies across the state to ensure that well planned transportation solutions are provided to address the needs of pedestrians, bicyclists, transit and carpoolers, motor vehicles and goods movement with the least impacts to our environment and communities.

PLA-65 Lincoln Bypass Project – LEDPA Support Information

Page 3

Caltrans is working with the City of Lincoln and Placer County to compliment their existing resource conservation strategy with the mitigation required for this project. As a result of this coordination, the Aitkens Ranch mitigation proposal was developed. The Aitkens Ranch is a pivotal piece in Placer Legacy's plan for resource conservation in the lower Sacramento Valley. Improvements on this property are already underway; consequently, by the time construction begins on the Lincoln Bypass, mitigation will already be in place.

Growth-inducing impacts:

Population in Placer County is currently 237,000 and is projected to grow to 415,335 by the year 2025. While the majority of growth has occurred in the cities of Roseville and Rocklin, Lincoln has recently had significant increases in population and housing. However, there are still large tracts of rural residential and agricultural lands in the western portion of the County. In 1998, the State Department of Finance identified Placer as one of two fastest growing counties in the State of California with a four percent annual growth rate. Population and employment projections predict Placer County's population will more than double in the next 40 years. This increase will undoubtedly have an impact on the conversion of existing open space into urban and rural residential developments. The County and Cities of Lincoln, Roseville and Rocklin are accommodating this growth in their general plan updates and are taking steps to protect and preserve resources and agricultural lands to ensure that the county's quality of life remains intact.

The current population in the City of Lincoln is 13,000 and is estimated to increase to 57,875 by the year 2025. (<http://www.sacog.org/demographics/proj2001/pdf/cities/plac.pdf>) This population growth has increased development pressure in Placer County and the City of Lincoln. Despite this pressure, the City of Lincoln has retained the growth boundaries established 20 years ago. In October 1998, the Public Facilities Element of the City's General Plan was amended to include provisions to maintain wildlife habitat, encourage wildlife preservation areas in and around the City and establish a "no net loss" of wetlands strategy in conjunction with the Clean Water Act of 1972.

In order to effectively manage growth the City of Lincoln is currently updating its General Plan to reflect both the City and County's growth management strategies, which include conservation easements, urban growth limits, open space designations and agricultural zoning. (See Figure 2) The proposed highway improvement is consistent with these strategies.

Placer Legacy:

The concern over development pressure that will be occurring over the next 20 years and the possibility of losing city and county natural resources spawned the creation of Placer Legacy. Placer Legacy was established using three working groups to provide input from a variety of stakeholders. These groups consisted of a Citizens Advisory Committee, an Interagency Working Group and a Scientific Working Group. Placer Legacy has identified county trends, resource conflicts and stressors and possible strategies to address growth pressures. Strategies currently being pursued are land acquisitions and easements, agency coordination, education and incentives. Placer Legacy is actively pursuing approximately 1,300 acres of conservation easements West and North of the planned Lincoln Bypass to limit growth-inducing impacts (see Figure 1).

PLA-65 Lincoln Bypass Project – LEDPA Support Information

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Placer Legacy is also coordinating with agencies such as the National Resource Conservation Service through their wetland reserve program, the Placer Land Trust, the American Farmland Trust and the California Rangeland Trust to identify landowners interested in selling agricultural easements. In addition, Placer Legacy has been in contact with the Central Valley Habitat Joint Venture Project; responsible for the North American Waterfowl Management Plan, the Auburn Ravine/Coon Creek Coordinated Resource Management Plan (CRMP) and other creek restoration projects.

Currently, Placer Legacy is working on Placer County's Habitat Conservation Plan (HCP) and a Natural Communities Conservation Plan (NCCP) expected to be completed in 2004. This Plan will be implemented in phases. The first phase is to gather information on vernal pools/grasslands, valley riparian habitats and salmon habitat in the areas within Western Placer County such as Lincoln. Phase 2 will be to collect information in the Foothills and the East Side Sierra Nevada and the third phase will focus on the West and East Side Sierra Nevada. Once resources have been identified, the HCP/NCCP will be prepared with guidance from various stakeholders such as the scientific community, land development interests, the environmental community and agricultural interests. A scientific working group will continually provide advice and assistance to ensure that the program incorporates sound principles of conservation ecology. These plans will establish a conservation strategy to ensure that resources are protected from development. In addition, financial mechanisms will be analyzed to determine how to implement these plans. The City of Lincoln is currently a member of Placer Legacy and will be participating in programs that will provide for conservation of prime agricultural lands in addition to conservation easements within their jurisdiction.

Agricultural Land:

Placer County has compiled a GIS database of Williamson Act contracts. (See Figure 1. Because of lag time with data input, the attached Williamson Act map does not reflect recently expired contracts.) County data indicate that the majority of these parcels were placed under contract between 1967-1980. Participation in the program decreased by 17% during the following decade and decreased by 4% between 1991 and 2000. The drop in renewals was largely offset by the amount of new enrollments into the program during the latest 10-year period, but the amount of acreage enrolled vs. number of parcels has decreased significantly (Western Placer Agricultural Study, January 2002). Much of the non-renewed contracts are for pastureland or "native" vegetation.

The area outside the City of Lincoln's "sphere of influence" is currently zoned by Placer County as Agriculture at a density of one dwelling unit per 80 acres and abuts lands that are designated for 4-6 dwelling units per acre by using a buffer or transition area. Although, zoning often can be changed, there is a strong impetus to restrain the growth in Western Placer County to within the city limits.

Another aspect that will help keep agricultural lands in the Williamson Act is the ability of Placer County Water Agency and the Nevada Irrigation District to provide a stable source of long-term water supply to commercial agriculture customers in the Western & Northern portion of Placer County. Increases in urbanization will increase demand for water and policies on water sources may have to be re-evaluated to ensure that agriculture production has adequate water supply in the future. In order to provide incentive for farmers to remain under the Williamson Act, Placer County is actively

PLA-65 Lincoln Bypass Project – LEDPA Support Information

Page 5

pursuing agricultural easements along with conservation easements as part of the HCP/NCCP. The Farmland Security Zones under the Williamson Act enables agricultural landowners to enter into contracts with the County for 20-year increments with an additional 35 percent tax benefit over and above the standard Williamson Act contract. This may provide even further incentive offsetting any acreage that may be removed from the program in the future.

DEPARTMENT OF TRANSPORTATION

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February 4, 2003

Lisa Hanf
Federal Activities Program Manager
Cross Media Division

Nancy Woo
Associate Director
Water Division
U. S. Environmental Protection Agency
75 Hawthorne St.
San Francisco, CA 94105-3901

Attn: Nancy Levin, Kathy Dadey

Dear Lisa Hanf and Nancy Woo,

Caltrans and the Federal Highway Administration (FHWA) respectfully request your concurrence on the Least Environmentally Damaging Practicable Alternative (LEDPA) for the State Route 65 Lincoln Bypass project. Caltrans and FHWA propose that the D 13 North Modified Alternative be considered the LEDPA.

Caltrans and FHWA met with you, Tim Vandlenkski, Brent Maier, Nancy Levin and Kathy Dadey on January 13, 2003 to discuss the requests for concurrence sent on September 30, 2002 and December 5, 2002. Also attending that meeting were Rod Campbell, Community Development Director for the City of Lincoln and Richard Robinson, Congressman Doolittle's representative.

EPA expressed continued concern regarding the cumulative impacts of the Lincoln Bypass and a concern that indirect impacts were not adequately addressed. EPA did not feel that the claim of 469 residents impacted by the AC alternatives was valid, considering that some of the homes are not built yet and requested that there be a distinction between occupied homes and empty lots.

On January 27, 2003 Karen McWilliams emailed Nancy Levin a table representing the number of homes affected by the AC alternatives, and the portion of those homes that belong to Foskett Ranch, which is the only subdivision in the study area that hasn't been

built yet. Per our discussion on January 30, 2003, Nancy Levin agreed that the information presented in the table was sufficient to address EPA's concerns regarding actual impacts to residents. Caltrans and FHWA understand that this additional information will allow EPA to make a determination on the LEDPA. Attachment A lists the criteria for determining an impracticable alternative.

Caltrans also understands that EPA will soon be sending an outline of information to assist with our response to the cumulative and indirect impacts concerns expressed in EPA's comment letter on the Draft Environmental Impact Statement.

Caltrans, FHWA, the City of Lincoln and Placer County appreciate your prompt consideration of this supplemental information, and concurrence on the proposed LEDPA for this vital and much-needed transportation project. If you have any questions, please contact either myself at (916) 274-0588 or Karen McWilliams at (916) 274-0631. Thank you.

Sincerely,

John D. Webb, Chief North Region Environmental Services

c: Brian Zewe, FHWA
Tom Cavanaugh, Corps of Engineers
Rod Campbell, City of Lincoln
Loren Clark, Placer County
bc Kome Ajise, Karen McWilliams, Chris Collison, Dapo Okupe

KMcWilliams/KMcW



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

February 25, 2003

John D. Webb, Chief
North Region Environmental Services
Caltrans District #3
2389 Gateway Oaks Drive
Sacramento, CA 95833

Subject: State Route 65 Lincoln Bypass Project

Dear Mr. Webb:

On 15 January 2003, we wrote you to memorialize our interagency agreements made during the meeting of January 13th, and we are writing now to advance the decision-making process surrounding the proposed Lincoln Bypass project.

We are concerned that Caltrans appears to be behind schedule in producing the workplan on evaluating indirect and cumulative impacts to aquatic resources from the proposed project. As noted in our January 15th letter to you, Caltrans agreed on January 13th to draft this workplan for review by EPA and the Sacramento Corps District, and to begin the preparation of an evaluation of indirect and cumulative impacts. Below, please find suggestions for how Caltrans might expedite this process.

Before providing these suggestions, I want to acknowledge your February 4th letter to EPA which discusses the practicability of the "A alignments" for this proposed bypass. Pursuant to the NEPA/404 process for planning and permitting transportation projects, we are working with the Sacramento Corps District in consideration of your request for LEDPA concurrence. However, we are very disappointed that Caltrans omitted critical information about the "A" alignments during the public review process for the proposed project. I am attaching a chronology of events associated with this project (Attachment I). Caltrans did not disclose important constraints emerging within the "A corridor" in a timely manner, and this has resulted in delays in the NEPA/404 process. Given the information provided by Caltrans on January 27, 2003, we agreed not to press for further studies of the "A" alignments, and therefore Caltrans' pending analysis of indirect and cumulative impacts should focus on the "D alignments." This analysis is required under the implementing regulations for the Clean Water Act. As you know, we first informed Caltrans of the need for this analysis over a year ago in February 2002.

In an effort to help you with your workplan, on January 16th and February 13th, EPA sent to Caltrans detailed technical references, methodological tools, and suggestions for measuring and managing secondary and cumulative effects. Perhaps the most expeditious means for Caltrans to complete this analysis would be for Caltrans headquarters to use their existing contract with U.C.

Davis to tailor the available SacMePlan3 model to the characteristics of the proposed project (please see our list of references from February 13th). This approach would probably negate the need for Caltrans to prepare the workplan offered on January 13th. If you would like EPA's assistance in facilitating a collaboration with U.C. Davis, please let us know.

While the use of Caltrans' contract with U.C. Davis might be the most expeditious means for completing the analysis of indirect and cumulative impacts, we recognize Caltrans might prefer to adhere to the January 13th agreement, and to prepare a workplan. To further assist Caltrans with this task, we have prepared an outline for such a workplan (see Attachment II).

To expedite the interagency planning and permitting process, we propose an interagency meeting within the next thirty days to finalize preparation of a workplan. This meeting should involve Caltrans, the Sacramento Corps District, and FHWA. Please call Tim Vendlinski in our Wetlands Regulatory Office at (415) 972-3464 to arrange this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Kemmerer', with a long horizontal flourish extending to the right.

John Kemmerer
Associate Director
Water Division

cc:

Tom Cavanaugh, Sacramento Corps District
Jan Knight, U.S. Fish and Wildlife Service
Sue McConnell, Central Valley Regional Water Quality Control Board
Richard Robinson, the Office of Congressman Doolittle

ATTACHMENT I

RECENT CHRONOLOGY OF THE NEPA/404 PROCESS FOR LINCOLN-BYPASS

DEC 2001: Caltrans identifies D13 North as Lincoln Bypass "preferred alternative" in DEIS.

8 FEB 2002: EPA comments on the DEIS and raises concerns about the adverse effects of the D13N alignment in terms of habitat fragmentation, degradation of wetlands, and indirect and cumulative effects. EPA states that an analysis of indirect and cumulative effects is missing and needs to be prepared. EPA also states that D13N may not be the LEDPA, and Caltrans should not rule out the "AC" alignments as the LEDPA.

AUG 29th: Caltrans and EPA have an initial meeting on the LEDPA. Caltrans agrees to prepare a revised Alternatives Analysis prior to requesting concurrence on LEDPA.

SEPT 16th: Rep. Doolittle calls the Regional Administrator and expresses concerns that "EPA's preferred alternative" would destroy occupied homes. EPA responds and references the available information on the alternatives provided by Caltrans: the D13N alignment would impact 10 homes, and AAC2 alignment would impact 20 homes.

OCT 7th: EPA receives from Caltrans the revised Alternatives Analysis (dated Sept 24, 2002), a request for LEDPA concurrence on D13N (dated Sept 30, 2002), and information on the General Plan for the City of Lincoln. The deadline for LEDPA concurrence is set for NOV 18th.

OCT 31st: In a meeting among Caltrans, EPA, the City of Lincoln, and the County of Placer, the project proponents assert for the first time that the A alignment will impact 400+ homes. EPA asks whether these homes are planned or already constructed. Caltrans agrees to revise their request for LEDPA concurrence to answer EPA questions about the status of residential development.

DEC 20th: Caltrans provides additional information on planned residential development. Key points: (i) Although the primary residential development, Foscett Ranch, is not built, Caltrans is considering the 400+ future residences as impacted; (ii) zoning decisions on the land are 3-6 months away.

DEC 2002/JAN 2003: The deadline for LEDPA concurrence is revised and set for JAN 10th.

JAN 8th: EPA prepares a non-concurrence letter on Caltrans' choice of D13N as the LEDPA. EPA calls Caltrans to alert them to the forthcoming letter, and explains that while the "D" alignments would have less direct adverse effects on aquatic resources than the "A" alignments (13.6 acres of jurisdictional waters versus 15.4 acres), it appears that they would have much greater adverse secondary and cumulative effects. This was based on our understanding of 20 impacted existing homes in the "A" alignment v. 10 impacted existing homes in the "D" alignment, and that other planned development was dependent on future zoning decisions. Caltrans asks EPA not to send the letter, and extends the deadline for LEDPA concurrence until JAN 24th.

JAN 13th: The regulatory agencies and the project proponents meet in Sacramento. The City announces the agencies have been using outdated maps and inaccurate land-use data and claims that an unspecified number of fixed houses have been already constructed within the "A corridor." Caltrans agrees to: (i) submit to the regulatory agencies factual information about the potential effects of the "A alignments" on structures within the corridor; and (ii) prepare a workplan to evaluate secondary and cumulative effects of the project.

JAN 15th: EPA sends a letter to Caltrans to memorialize the agreements from JAN 13th, including Caltrans' agreement to prepare a workplan to evaluate secondary and cumulative impacts.

JAN 16th: In an effort to help Caltrans with their workplan, EPA e-mails to Caltrans the first installment of a list of technical references, methodological tools, and suggestions for measuring and managing secondary and cumulative effects.

JAN 27th: Caltrans e-mails to EPA a numerical table quantifying the number of homes that would be directly and indirectly affected by the "A alignments". They disclose that alignments AAC2 and ASC1 would directly affect 56 and 73 homes, respectively. This information represents a significant change in the number of existing homes. Until now, information provided by Caltrans had led the regulatory agencies to believe that the "A alignments" were reasonable and practicable.

JAN 28th: The Regional Administrator meets with Rep. Doolittle, offers to remove the "A alignments" from further consideration (in light of the new information submitted by Caltrans).

FEB 10th: EPA receives from Caltrans a letter (dated FEB 4th) requesting LEDPA concurrence on D13N. Their letter includes a written justification (Attachment A) of why the "A alignments" are impracticable based on costs, logistics, and socio-economic impacts.

FEB 13th: EPA e-mails to Caltrans the second installment of a list of technical references, methodological tools, and suggestions for measuring and managing secondary and cumulative effects.

ATTACHMENT II

WORK PLAN FOR IMPACT ANALYSIS

1. Identify Evaluation Tools: Based on the tools referenced in this letter and on any other methods identified by Caltrans, the transportation agencies must prepare a proposed methodology, scope of work scope, or outline describing an approach for addressing secondary and cumulative effects of the “D alignments” on aquatic resources.

2. Clarify Project Design: Clarify the location of interchanges and intersections for each of the four variations of the “D alignments” and justify the inclusion of each interchange and intersection for meeting the project purpose. It is not clear why a project proposed to relieve traffic congestion within the City of Lincoln requires multiple interchanges and intersections.

3. Designing a LEDPA: Explain how Caltrans proposes to distinguish among the four D alignments to identify a LEDPA.

4. Proper Documentation for the Administrative Record: Given the Draft EIS and the formal request for concurrence on the LEDPA both treated the “A alignments” as reasonable and practicable, Caltrans and FHWA should: (a) clarify the change in their position; (b) provide the clear basis for eliminating the A alignments from further consideration; (c) prepare an acceptable determination that newly furnished information renders the “A alignments” as unreasonable (per NEPA) and impracticable (per CWA Section 404); and (d) Explain how the decision to eliminate the “A alignments” will be treated in the Final EIS. Does the information on adverse effects on housing constitute "significant new information", and would it be appropriate to prepare a Supplemental Draft EIS?

5. Interagency Collaboration: Identify areas where EPA can provide technical assistance or guidance.

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June 4, 2003

Lisa Hanf

Federal Activities Program Manager

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Nancy Woo

Associate Director

Water Division

U. S. Environmental Protection Agency

75 Hawthorne St.

San Francisco, CA 94105-3901

Attn: Nancy Levin, Kathy Dadey

Dear Lisa Hanf and Nancy Woo,

Thank you for your comments regarding the draft Indirect and Cumulative Impact Analysis submitted to EPA on May 5, 2003. Your comments have been incorporated into the attached analysis where feasible. Caltrans first submitted a revised alternatives analysis to EPA on September 24, 2002. Since this submittal Caltrans has tried to address EPA's concerns regarding the LEDPA and has obtained information from several sources for submittal to EPA (chronology attached). The following response will attempt to address issues raised in the letter that EPA submitted to Caltrans on May 15, 2003.

The environmental document describes six alternatives, the AAC2, A5C1, D1, D13, D 13 North Modified and the D 13 South Modified. Due to the length of time required for the processing of the environmental document, the AAC2 and A5C1 alignments have been filled in with homes, causing the right of way acquisition to increase substantially. The additional cost of right of way would likely prevent the project from being built. The costs associated with right of way that have been submitted in previous correspondence were estimates based upon preliminary design considerations. These cost estimates would be increased further by relocation costs that would be added to the purchase of right of way.

The D 1 alternative has more wetland impacts than the D 13 alternatives. The D 13 South Modified impacts property that is under a Wetlands Conservation Easement contract with the U.S. Dept. of Agriculture. The D 13 North Modified is in response to that easement. While the D 13 North Modified does not have the least impacts on all the resources, it is very close to the D 13 South Modified and D 13. In addition, it does not have the easement attached to it.

The AC alternatives are considered in the environmental document as a viable alternative. However, studies conducted in the draft environmental document were done before conditions in the city changed

and precluded the AC alternatives. Only recently did the jump in housing construction and corresponding residents occur and this is why the information had not been incorporated into the draft environmental document. According to Lincoln's General Plan Background Report, dated December 9, 2002, population increased from approximately 8,700 residents at the beginning of 1999 to approximately 17,700 residents at the beginning of 2002. The time frame that this new information became available was also around the time that Caltrans and FHWA began the process of requesting LEDPA concurrence.

The Caltrans analysis presents information on resources and provides discussion on the difficulty in determining the potential indirect and cumulative impacts. Quantitative information was obtained where feasible and discussion regarding the inability to directly correlate potential indirect impacts was addressed. The term "reasonably foreseeable" for purpose of this analysis is used for projects that are documented in City or County plans or was verified by the City of Lincoln. Known conditions in the project area were disclosed in addition to information regarding land ownership. Caltrans cannot make a determination on the exact impacts to resources due to the lack of documentation of plans and projects that may or may not occur in the vicinity. Actual changes in zoning, project permits and annexation have not taken place at this time. However, it is known that the City plans on facilitating the growth that they project will be occurring in their sphere of influence and has plans to develop accordingly. Caltrans does not feel that there is a substantial difference in growth inducing impacts between the AC alternatives and the D alternatives in light of the growth that is being planned in the project area. The D alternatives potential impacts are discussed and the shift of growth patterns that may occur around the intersections and interchanges have been included as discussion in the analysis.

The "Growth Pressure Areas" (Fig. 6), was included in the analysis upon the request of EPA and was for informational purposes only. EPA, Caltrans, FHWA, City of Lincoln and Placer County had attended a meeting (October 31, 2002), where several maps from Placer County were displayed. The growth pressure map was included in this visual presentation and EPA later requested this to be submitted. Caltrans requested the map from Placer County in GIS format to accurately provide scale. Placer County was not able to provide this map in a GIS shape file, nor were they able to provide the assumptions regarding the area that they termed "growth pressure". The map was created more than 3 years ago and the assumptions were not documented. Caltrans feels that using this as a basis to directly attribute indirect impacts would be misleading and would not provide an accurate measurement.

Design changes have been initiated on behalf of Caltrans to address EPA's concern regarding impacts to resources. Discussion has included the elimination of the Wise Road interchange, easements on the east side of Wise Road and currently discussion regarding the possibility of further conservation easements in the Coon Creek watershed. Caltrans has shown commitment to the elimination of Wise Road interchange and the easements by incorporating them into freeway agreements that will be accepted by both the City and the County. Design considerations are still being discussed with internal staff and the City of Lincoln and Placer County. However, final determination must also consider Caltrans constraints when considering the extent of possible resource protection measures.

Caltrans does not feel that it has retreated from original discussion and design variation mentioned on March 21, 2003. The design changes were discussed and elaborated upon by stating that the area would "look like" the Yolo Causeway in the area where the easements were purchased. This reference was later explained to EPA in a subsequent meeting to clear up any misunderstanding on the design changes and felt that this issue had been adequately clarified. Caltrans apologizes if this was not explained to EPA in a sufficient manner.

The City of Lincoln and Placer County have ultimate jurisdiction over land use within the project area and Caltrans must work within this context to provide mobility, address safety and ensure that resources are protected. Caltrans has cooperated with EPA regarding design changes, information disclosure, local agency coordination and compliance with the NEPA/404 MOU process and will continue to do so throughout the process. Please refer to previous submittals and attached analysis for specific information.

Caltrans and the Federal Highway Administration (FHWA) respectfully request your concurrence on the Least Environmentally Damaging Practicable Alternative (LEDPA) for the State Route 65 Lincoln

Bypass project. Caltrans and FHWA propose that the D 13 North Modified Alternative be presented as the LEDPA.

Caltrans, FHWA, the City of Lincoln and Placer County would all appreciate your prompt consideration of this supplemental information, and concurrence on the proposed LEDPA for this vital and much-needed transportation project. If you have any questions, please contact me at (916) 274-0588 or Karen McWilliams at (916) 274-0631. Thank you.

Sincerely,

John D. Webb, Chief North Region Environmental Services

cc: RC Slovensky FHWA

Tom Cavanaugh, Corps of Engineers

Rod Campbell, City of Lincoln

Loren Clark, Placer County

bc Kome Ajise, Karen McWilliams, Chris Collison

Attachment: (Revised Indirect and Cumulative Impact Analysis, Chronology)

CLynch/CL

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June 16, 2003

Wayne Nastri, Regional Administrator
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901

Dear Mr. Nastri:

It was a pleasure discussing Caltrans' Lincoln Bypass project with you last Friday. Jeff Morales and I both feel that our phone conference with you was most productive in identifying a solution to advance this much needed transportation project while at the same time addressing EPA's concerns about the potential loss of aquatic resources in western Placer County.

By way of background, Caltrans and FHWA circulated a Draft Environmental Impact Report/Statement in December 2001 for the State Route 65 Lincoln Bypass project. This proposed 12-mile, 4-lane freeway bypass of Lincoln would include access points at existing SR65 south of Lincoln, Nelson Road, Wise Road, and Riosa Road near existing SR65 near Sheridan. The DEIR/DEIS describes six alternatives, including two (AAC2 and A5C1) that would pass through a rapidly developing corridor in Lincoln, and four (D1, D13, D 13 North Modified and the D 13 South Modified) that would pass around the western periphery of the community near the airport. Due to the length of time required for the project development process, including the processing of the environmental document, and the fact that the City of Lincoln has preserved and planned for the "D" corridor for the Bypass, the "A" alignments have been largely filled in with homes. During that time, Lincoln has experienced some of the most rapid population growth in the United States, from approximately 8,700 residents at the beginning of 1999 to approximately 17,700 residents at the beginning of 2002. The potential community impacts and enormous costs associated with purchasing right of way and relocating hundreds of residents along either of the "A" alignments would effectively preclude these two alternatives from further consideration as the LEDPA. From prior meetings and discussions, Caltrans understands that EPA and Corps concur on this point.

Due to project budget constraints, the project would initially construct four lanes only to Nelson Lane, with two lanes from there all the way to Sheridan. A full freeway

interchange would initially be constructed at Industrial Avenue, with only at-grade intersections at Nelson Lane, Wise Road and Riosa Road. An overcrossing structure at Nicolas Road and an undercrossing at Dowd Road would preclude any local access at those points. In comments on the DEIS and in response to subsequent submittals made by Caltrans since last September pursuant to the NEPA/404 Integration MOU for LEDPA concurrence, EPA and the Corps of Engineers have raised concerns about potential cumulative and indirect affects to aquatic resources attributable to the proposed Bypass. Caltrans has understood these concerns to be largely focused on potential growth inducement associated with the access points to the proposed interregional highway Bypass; specifically at Wise Road due to its current surrounding agricultural land uses and proximity to the Coon Creek watershed.

Caltrans takes these concerns about potential affects to our vital aquatic resources very seriously, and has worked closely with FHWA, Placer County Transportation Planning Agency, Placer County and the City of Lincoln to examine several options that might address those concerns.

Option 1. Overcrossing at Wise Road with Initial Project Construction

Construction of an overcrossing at Wise Road in the initial project would preclude any local access at that point. Unfortunately, this option would also deny an important access that Placer County and the City of Lincoln have anticipated and planned to help detour large numbers of trucks hauling aggregate and other materials around the city rather than through downtown Lincoln. Trucks using the Wise Road/Bypass routing rather than existing SR65 through Lincoln will measurably improve the quality of life for Lincoln residents long tired of the pedestrian and traffic safety issues, noise, dust and damage to streets caused by aggregate haulers rumbling through town. For this reason, the City, County and PCTPA are strongly opposed to this option.

Option 2. Establishment of a Large Floodplain Easement to the East of Wise Road

This option examined a possible lowering of the Bypass roadway profile and reduction of the bridge structure length, using any attendant cost savings to purchase a large floodplain easement in one quadrant of the Wise Road intersection. Caltrans understands that EPA doesn't consider this option to adequately address its concerns about potential cumulative impacts and indirect affects to aquatic resources.

Option 3. Purchase of Easements on the Four Quadrants of the Bypass/Wise Road Bypass Intersection

To address EPA's concerns about indirect affects attributable to the proposed access at Wise Road, Caltrans examined an option that appeared to directly address EPA's expressed concerns. This option would acquire conservation easements in each of the four quadrants of the Wise Road/Bypass intersection, thereby effectively preventing any growth inducing developments from occurring in that area.

Option 4. Elimination of Proposed Undercrossing at Dowd Road and Road Modifications to Accommodate an Initial Overcrossing at Wise Road

EPA suggested that Caltrans examine this option to see if enough cost savings could be generated by eliminating the proposed undercrossing structure at Dowd Road from the project design, and applying those savings to construction of an overcrossing at Wise Road. Unfortunately, elimination of the Dowd Road structure would necessitate either realignment of heavily used Dowd Road or construction of frontage roads. Because of those additional modifications, there would not be adequate cost savings from this option. The access issues discussed under Option 1 above would also be the same with this option, with the same strong level of local and regional opposition to loss of access at Wise Road.

Option 5. Purchase of Conservation Easements within the Coon Creek Watershed Designated in the two-mile Radius of Wise Road

At EPA's request, Caltrans mapped the Coon Creek watershed, including a five hundred foot buffer, within a two-mile radius of the Wise Road/Bypass intersection. The mapped watershed, including buffers on the north and south sides of the watershed, total 5,206 acres. At a cost of several thousands of dollars per acre to secure easements, this option would cost in the tens of millions of dollars, and is clearly not a viable option. Caltrans understands that EPA intended this option to be more of a means of gauging the extent of watershed and possible aquatic resources lying within a two-mile radius of Wise Road, rather than outright acquisition of easements on the entire 5,206 acres.

Option 6. Purchase of Conservation Easements along the Coon Creek Watershed Corridor

Since Option 5 is clearly cost prohibitive, Caltrans has investigated a more realistic but still meaningful level of effort to acquire conservation easements in the Coon Creek watershed. The attached map illustrates the efforts currently underway by Placer Legacy in working with the private sector to establish other conservation easements within this watershed. An opportunity may be present to link these other easements with a linear pattern of conservation easements that would provide synergies and cumulative benefits to the entire watershed area in question. Caltrans is prepared to work closely with Placer Legacy, EPA and the Corps to implement this option.

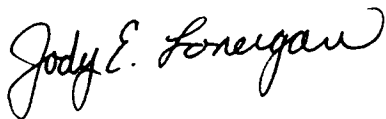
Further to our discussion last Friday of Options 1 and 6, in lieu of constructing an initial overcrossing at Wise Road (Option 1), Caltrans commits to acquiring conservation easements (Option 6) in the Coon Creek watershed/floodplain equivalent to the approximate cost of constructing the overcrossing structure. The conservation easements would demonstrate avoidance of potential indirect affects to aquatic resources that might otherwise be attributable to provision of access at the Wise Road intersection. To this end, I invite EPA to work with Caltrans and Placer Legacy to

Mr. Wayne Nastri
June 16, 2003
Page 4

identify those parcels with the highest wetlands functions and values for preservation. In turn, Caltrans and the Federal Highway Administration (FHWA) respectfully request your concurrence on the D13 North Modified Alternative as the Least Environmentally Damaging Practicable Alternative for the State Route 65 Lincoln Bypass project. I trust this letter accurately memorializes the substance of our discussion, and look forward to your prompt consideration of this request and concurrence on the proposed LEDPA for this vital and community supported transportation project.

I would also like to take this opportunity to invite you and your staff that have worked with us on this Lincoln Bypass project to tour our Aitkens Ranch mitigation site currently under development by Wildlands, Inc. We would be delighted to set up a tour of this wonderful example of successful pre-mitigation, at your convenience.

Sincerely,



JODY E. LONERGAN
District Director

c: Jeff Morales, Caltrans Director
Gary Hamby, FHWA Division Administrator
Andrew J. Rosenau, Regulatory Branch Chief, U.S. Army Corps of Engineers
Councilmember Tom Cosgrove, City of Lincoln
Supervisor Robert M. Weygandt, Placer County
Celia McAdam, Executive Director, PCTPA
Richard Robinson, Congressman Doolittle's office
Dapo Okupe, Caltrans Project Manager

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July 3, 2003

Lisa Hanf, Chief
Federal Activities Office
Cross Media Division
U. S. Environmental Protection Agency
75 Hawthorne St.
San Francisco, CA 94105-3901

Attn: Nancy Levin, Erin Foresman, Tim Vendlinsky, John Kemmerer

Dear Ms. Hanf:

Caltrans and the Federal Highway Administration (FHWA) respectfully request your concurrence on the Least Environmentally Damaging Practicable Alternative (LEDPA) for the Lincoln Bypass project. Pursuant to a June 17, 2003 letter from Jody Lonergan, Caltrans District Director, to Wayne Nastri, EPA Regional Administrator, and the June 20, 2003 Final Indirect and Cumulative Impact Analysis prepared by Caltrans for this project, Caltrans and FHWA propose that the D 13 North Modified Alternative with Conservation Easements be presented as the LEDPA. Last week, EPA staff requested a subsequent letter that would consolidate and clarify the project information and Caltrans commitments provided previously. This letter summarizes the LEDPA and provides a current project description.

Least Environmentally Damaging Practicable Alternative (LEDPA)

Caltrans and FHWA propose that the D 13 North Modified alternative is the LEDPA. As you can see on the table below, the impacts to vernal pools and wetlands are relatively comparable for all the alternatives.

Table 1 Impacts to Key Resources

	AAC2 Alternative	A5C1 Alternative	D1 Alternative	D13 Alternative	D13 South Modification Alternative	D13 North Modification Alternative
Jurisdictional Waters ¹	6.23 ha (15.4 acres)	7.85 ha (19.4 acres)	5.30 ha (13.1 acres)	4.73 ha (11.7 acres)	5.91 ha (14.6 acres)	5.50 ha (13.6 acres)
Vernal Pools and Swales	3.80 ha (9.4 acres)	4.65 ha (11.5 acres)	2.43 ha (6.0 acres)	2.14 ha (5.3 acres)	3.28 ha (8.1 acres)	2.23 ha (5.5 acres)
Riparian and Oak Habitats	11.21 ha (27.7 acres)	8.17 ha (20.2 acres)	1.54 ha (3.8 acres)	4.45 ha (11.0 acres)	1.17 ha (2.9 acres)	4.45 ha (11.0 acres)
Socioeconomic	469 residences	461 residences	20 residences	10 residences	10 residences	18 residences

¹ Includes areas meeting Corps criteria as wetlands and non-wetland waters of the U.S.

What is not shown on this table is the quality of vernal pools impacted by each alternative. The A5C1 and AAC2 alternatives would impact higher quality vernal pools than the D alternatives. The AC alternative would go through the Foskett Ranch area and take out those resources currently being protected in two environmental preserves.

In addition, the AC alternatives have a much greater community impact than the D alternatives. During the ten years between concurrence on the "range of alternatives" and the present, growth in Lincoln has continued. Several developments have been approved or are already built within the AC alignment. A recent count of residences affected by the project shows that the A5C1 alternative impacts 461 residences and the AAC2 alternative impacts 469 residences. The AC alternatives would split established communities as well as recently constructed communities such as the Foskett Ranch and run adjacent to a proposed elementary school, separating it from the communities it would serve on the other side of the highway. The potential community impacts and enormous costs associated with purchasing right of way and relocating hundreds of residents along either of the "A" alignments would effectively render these two alternatives as impracticable and preclude them from further consideration as the LEDPA. From prior meetings and discussions, Caltrans understands that EPA and Corps agree on this point.

In contrast, the D 13 North Modified alternative would not divide any existing communities. Although the D 13 North Modified alternative would result in impacts to other resources, as would the AC alternative, the overall impacts to resources and socioeconomic factors would be less damaging.

All of the alternatives except the D 13 North Modified require acquisition of property that is under the Wetlands Conservation Easement in the Wetlands Reserve Program. Acquisition of this property would require lengthy legal concerns and is not a guaranteed success. This would not be a prudent use of the public funds. While the cumulative and indirect impacts of the project are similar for all the alternatives originally considered, the D 13 North Modified Alternative with Conservation Easements would have fewer potential indirect affects to aquatic resources than the other "D" alternatives.

As indicated by both the City and County's general plans, it is apparent that the future land use of the area affected by the bypass has been established regardless of the location of the bypass. Both the city planners and most of the residents of Lincoln are overwhelmingly in favor of the D 13 alternatives and opposed to the AAC2 and A5C1 alternatives. The D 13 Bypass has been a part of the Lincoln General Plan since 1998 and recent residential and other developments have been approved or constructed on that basis.

Project Description for the D 13 North Modified Alternative With Conservation Easements
The Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/S) for the State Route (SR) 65 Lincoln Bypass Project evaluates the ultimate project, which includes a four-lane freeway with interchanges at Industrial Avenue, Nelson Lane, Wise Road and Riosa Road. There will be an overcrossing at Nicolaus Road and an

undercrossing at Dowd Road, neither of which will have access to the freeway. A cul-de-sac will be constructed at Moore Road, eliminating access to the freeway from Moore Road.

Due to funding constraints, the ultimate project cannot be built immediately and revisions may be necessary if funding changes. A minimum project will now be constructed following the completion and approval of the Final EIR/EIS and permit approvals. Final engineering design, preparation of plans, specifications and estimates and right of way acquisition follow the environmental approval process before advertising and awarding of a construction contract occurs. Funding availability will dictate the progress of future construction for the ultimate project. Initially, four lanes will be constructed from the beginning of the project near Industrial Avenue up to Nelson Lane. From that point on to where the Bypass would re-join existing SR 65 near Sheridan, only two lanes will be constructed, with the earthwork for the entire four-lane footprint being laid down.

An overcrossing at Nicolaus Road and an undercrossing at Dowd Road will be built during the initial construction. Due to the rising costs of right-of-way, purchase for the ultimate four-lane freeway project will be acquired during the first phase.

Due to the passage of time there will likely be a need to periodically reconfirm the project's environmental approvals before the ultimate project is constructed. The future interchanges at Nelson Lane, Wise Road and Riosa Road and the addition of lanes will have additional environmental documentation that may tier off this Environmental Document.

The first phase of the proposed project includes construction of an at-grade intersection at Nelson Lane and Wise Road. As the need arises and funding allows, interchanges would be constructed. At the north end of the Bypass project, Riosa Road would have an at-grade intersection for the first phase of the project and later an interchange as traffic volumes warrant and funding becomes available.

As outlined in the June 20, 2003 Impact Analysis, several options were considered to avoid potential indirect/secondary impacts stemming from the intersection and later, an interchange at Wise Road, to nearby aquatic resources; specifically the Coon Creek watershed. These options ranged from an initial overcrossing at Wise Road, establishment of a Floodplain Easement to the east of Wise Road, purchase of conservation easements on the four quadrants of the Wise Road/ Bypass Intersection, eliminating the proposed undercrossing at Dowd Road to accommodate an initial overcrossing at Wise Road, purchase Conservation Easements within the Coon Creek watershed in the two-mile radius of Wise Road, or purchase of Conservation Easements along the Coon Creek Watershed Corridor.

Following subsequent discussions between Caltrans, EPA, Corps and FHWA, Caltrans committed in a letter from District Director Jody Lonergan to EPA Regional Administrator Wayne Nastri to acquiring conservation easements in the Coon Creek watershed/floodplain

equivalent to the approximate cost of constructing the overcrossing structure, approximately \$3.9 million.

The conservation easements, now included as part of the project description, would demonstrate avoidance of potential indirect effects to aquatic resources that might otherwise be attributable to provision of access at the Wise Road intersection. An acquisition strategy will be included in the project description and outlined in the Final EIR/S.

As final engineering design progresses, Caltrans will continue to look for opportunities for further avoidance or minimization of impacts to natural resources, such as a potential floodplain easement at Wise Road outlined in the Final Indirect and Cumulative Impact Analysis.

Caltrans, FHWA, the City of Lincoln, Placer County and the Placer County Transportation Planning Agency would all appreciate your prompt consideration of this supplemental information, and concurrence on the proposed LEDPA for this vital and much-needed transportation project. If you have any questions please contact me at (530) 741-4277, or Karen McWilliams at (916) 274-0631. Thank you for your cooperation on this challenging project.

Sincerely,



JOHN D WEBB
Acting Chief, North Region
Environmental

c: Lee Dong, FHWA
Mike Jewell, ACOE
Tom Cavanaugh, ACOE
Tai-Ming Chang, EPA
John Kemmerer, EPA
Tim Vendlinski, EPA
Tom Cosgrove, City of Lincoln
Rick Dondro, Placer County
Celia McAdam, PCTPA

DEPARTMENT OF TRANSPORTATION

DISTRICT 3

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SACRAMENTO, CA 95833

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*Flex your power!
Be energy efficient!*

November 23, 2004

Nancy Levin
Federal Activities Program - Cross Media Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Levin:

Enclosed you will find a courtesy copy of the letter to US Fish & Wildlife Service and a copy of the Draft Mitigation and Monitoring Proposal (MMP) that was submitted to the Service November 19, 2004. In accordance with NEPA 404 regulations, concurrence on the final MMP will be requested after comments and changes have been incorporated into the draft. Please review this draft document and provide feedback as to the adequacy of the concept for mitigation on the Lincoln Bypass project.

Please contact Chris Collision at (916) 274-0560, or Christina Lynch at (916) 274-0558, if you have any questions or would like to discuss any concerns.

Sincerely,

JOHN D. WEBB, Chief
North Region Office of Environmental Services

Enclosure

Ken Sanchez
U.S. Fish & Wildlife Service, Region 1
Sacramento Fish & Wildlife Office
November 19, 2004
Page 2

c: Tom Cavanaugh, USACOE
John Kemmerer, US EPA (w/o enclosure)
Tim Vendlinski, US EPA
Nancy Levin, US EPA
Leland Dong, FHWA
Jeff Finn, Department of Fish & Game
Celia McAdam, PCTPA (w/o enclosure)
Tom Cosgrove, City of Lincoln (w/o enclosure)
Katrina Pierce, Caltrans (w/o enclosure)
Gary Sidhu, Caltrans (w/o enclosure)

bc: Chris Collison
Karen McWilliams
Christina Lynch

John Webb/en

(Draft MMP to FWS 11-19-04.doc)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY****REGION IX****75 Hawthorne Street
San Francisco, CA 94105-3901**

December 17, 2004

John D. Webb, Chief
North Region Office of Environmental Services
Caltrans District 3
2389 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833

Subject: Concurrence on the Conceptual Mitigation Plan and Implementation Schedule for
State Route (SR) 65 Lincoln Bypass Project in Placer County, California

Dear Mr. Webb:

We are writing in response to your request for EPA's concurrence on the Conceptual Mitigation Plan for the above-referenced project. This request is pursuant to Appendix A of the National Environmental Policy Act/Clean Water Act Section (CWA) 404 Integration Process for Surface Transportation Projects in Region 9 Memorandum of Understanding (NEPA/404 MOU).

Based on our expedited review of the draft Mitigation and Monitoring Proposal (MMP) that we received on December 1, 2004, EPA concurs on the conceptual mitigation plan and implementation schedule for this project. Although the draft MMP includes the Mariner Ranch as a site for vernal pool prevention, we are aware that Caltrans has not yet gained site access to this property. As a result, Caltrans has not been able to determine the number of acres of vernal pools that are on-site and available for preservation. As details become available regarding the status of mitigation sites and/or acreage of aquatic resources, it will be necessary for Caltrans to consult with federal resource and regulatory agencies in order to avoid future delays in the federal permitting process. We suggest that Caltrans establish a procedure to provide regular project updates to EPA, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service, including the status of site availability, site access, and vernal pool mapping.

While we agree in concept with the overall mitigation approach, sites and ratios in the draft MMP, we have identified three major concerns that we recommend Caltrans address in future documents, including the final MMP: 1) the distinction made between mitigation required under CWA and Endangered Species Act (ESA) for vernal pool impacts, 2) the proposal to mitigate in a distant watershed, and 3) the protocol for vernal pool creation.

The purpose of distinguishing CWA mitigation from ESA mitigation for vernal pools in the draft MMP is unclear. Compensatory mitigation for impacts that cannot practicably be avoided, including impacts to endangered species, is required as part of the CWA Section 404. Table N: "Summary of Proposed Compensatory Mitigation Elements" of the draft MMP (p. 60-61) implies that vernal pool preservation done under the ESA is not required under the CWA. We recommend consolidating the entire vernal pool mitigation proposal in the final MMP and other CWA permitting documents to avoid confusion regarding CWA permitting procedures.

The final MMP and other CWA permitting documents should include an explanation of proposed vernal pool preservation in a distant watershed at Bryte Ranch. The "Mitigation Action Plan, 1990 Memorandum of Agreement concerning the Determination of Mitigation under Clean Water Act Section 404(b)(1) Guidelines between the EPA and the Department of the Army (1990 Mitigation MOA)," and the "Army Corps of Engineers Regulatory Guidance Letter Regarding Mitigation (RGL 02-2)" underscore the importance of, and preference for, placing compensatory mitigation in close proximity, preferably the same watershed, to project impacts. The final MMP for this project should clearly document the reasons that vernal pool mitigation cannot occur within the same watershed as the project impacts.

The final MMP and other CWA permitting documents should describe how the created vernal pools at Aitken Ranch will replace lost vernal pool functions and values at the project site. The plan for creation of pools should be based on the functions and values of the pools that are expected to be filled on the project site. It is important to locate, describe, and map the reference pools (at the project site) that will be used for species lists and size measurements. The final MMP and other CWA permitting documents should provide a complete description of this process.

Finally, we recommend that the final MMP reflect the *Operational Guidelines for Creating and Restoring Self-Sustaining Wetlands*¹ developed by the National Research Council and national guidance developed by the multi-agency National Mitigation Action Plan task force².

The next step in the NEPA process is the preparation of the Final Environmental Impact Statement (EIS). Please let me know if we can be of assistance in addressing our Draft EIS comments as you prepare the Final EIS.

We appreciate the opportunity to participate in the NEPA/404 MOU process. Please feel free to share this concurrence letter with the participants at the November 5 interagency meeting. If you have any questions, please contact Erin Foresman of EPA's Wetlands Regulatory Office at 415-972-3396 or foresman.erin@epa.gov, or Nancy Levin of my staff at 415-972-3848 or levin.nancy@epa.gov.

Sincerely,



Lisa B. Hanf, Manager
Federal Activities Office

cc: Maiser Khaled, Federal Highway Administration
Tom Cavanaugh, U.S. Army Corps of Engineers
Ken Sanchez, U.S. Fish and Wildlife Service
Celia McAdam, Placer County Transportation Planning Agency

¹National Research Council (2001) *Compensating for Wetland Losses Under the Clean Water Act. Operational Guidelines for Creating and Restoring Self-Sustaining Wetlands*, Chapter 7 pp. 123 – 128.

²<http://www.mitigationactionplan.gov/>

cc: **Maiser Khaled, Federal Highway Administration**
Tom Cavanaugh, U.S. Army Corps of Engineers
Ken Sanchez, U.S. Fish and Wildlife Service
Celia McAdam, Placer County Transportation Planning Agency



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

December 27, 2004

Regulatory Branch (199500363)

John D. Webb
North Region Office of Environmental Services
2389 Gateway Oaks Drive, Suite 100
Sacramento, California 95833

Dear Mr. Webb:

I am writing in response to your request for our concurrence on the conceptual mitigation plan for the State Route (SR) 65 Lincoln Bypass Project in Placer County, California.

Based on our expedited review of the draft Mitigation and Monitoring Proposal (MMP) that we received on December 1, 2004, we concur with the conceptual mitigation plan for this project. This concurrence is limited to the concepts as they are presented in the November 2004, "Mitigation and Monitoring Proposal, Route 65 Lincoln Bypass, Placer County, California". This concurrence does not extend to any potential changes to mitigation locations, acreages, or configurations. This concurrence does not constitute approval of the MMP as final.

While we concur in concept with the overall mitigation approach, sites and ratios in the draft MMP, we have major concerns regarding some its details. These include attempts to inappropriately segment mitigation by agency or authority rather than simply develop a mitigation plan that provides adequate mitigation for project impacts, ill defined and potentially incompatible development within mitigation areas, failure to select appropriate reference wetlands, and failure to develop appropriate success criteria.

The purpose for distinguishing portions of proposed vernal pool mitigation for "Section 404 purposes" from mitigation for "Vernal pool fairy shrimp/tadpole shrimp" is unclear. As any permit that might be issued for the proposed project would mandate the construction of a specific acreage of vernal pools and the preservation of a specific acreage of vernal pools, vernal pool mitigation should be consolidated as a single proposed number for creation and a single proposed number for preservation. It would then be appropriate to indicate that these acreages are proposed to meet requirements of the Clean Water Act (CWA) and the Endangered Species Act (ESA).

The draft MMP indicates that a grazing plan will be developed for the Aiken Ranch site. This grazing plan would need the approval from the Corps of Engineers, and potentially other agencies, prior to its implementation and should be included with the final mitigation plan or as a component of the long term management plan, which would be required in the event that a permit is issued for the proposed project. Additionally, the draft plan indicates that a future county trail "will" cross the property. Absent an indication of the trails location and design, we cannot conclude that this trail will not adversely affect the ability of this site to mitigate for proposed project impacts.

As has been indicated to Caltrans separately, additional justification for mitigation design, selection of reference wetlands, and development of appropriate performance standards will be necessary before we would be able to provide approval of the final MMP.

Please refer to identification number 199500363 in any correspondence concerning this project. If you have any questions, please contact Tom Cavanaugh at our Sacramento Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email *Thomas.J.Cavanaugh@usace.army.mil*, or telephone 916-557-5261. You may also use our website: *www.spk.usace.army.mil/regulatory.html*.

Sincerely,



Thomas J. Cavanaugh
Chief, Sacramento Valley Office

Copies Furnished:

Ken Sanchez, US Fish and Wildlife Service, Endangered Species Office, 2800 Cottage Way, Room W-2605, Sacramento, California 95825-1846

Lisa Hanf, US Environmental Protection Agency, Federal Activities Office, 75 Hawthorne Street, San Francisco, California 94105-3901